United Nations S/2008/708

Security Council

Distr.: General
17 November 2008

Original: English

Letter dated 14 November 2008 from the President of the Security Council to the Secretary-General

I have the honour to inform you that the members of the Security Council have decided to send a mission to Afghanistan from 21 to 28 November 2008. The mission will be led by Ambassador Terzi di Sant'Agata of Italy.

The members of the Council have agreed to the terms of reference for the mission (see annex). The composition of the mission is as follows:

Ambassador Olivier Belle (Belgium)
Ambassador Paul Robert Tiendrébéogo (Burkina Faso)
Ambassador Liu Zhenmin (China)
Ambassador Saúl Weisleder (Costa Rica)
Mr. Toma Galli (Croatia)
Minister Jean-Pierre Lacroix (France)
Ambassador R.M. Marty M. Natalegawa (Indonesia)
Ambassador Giulio Terzi di Sant'Agata (Italy)
Mr. Ahmed Gebreel (Libyan Arab Jamahiriya)
Ambassador Alfredo Suescum (Panama)
Minister Konstantin K. Dolgov (Russian Federation)
Ambassador Dumisani Kumalo (South Africa)
Ambassador John Sawers (United Kingdom of Great Britain and Northern Ireland)
Ambassador Zalmay Khalilzad (United States of America)
Ambassador Bui The Giang (Viet Nam)

I should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Jorge **Urbina**
President of the Security Council

08-50479 (E) 181108

Annex

Security Council mission to Afghanistan: terms of reference

1. To reaffirm the Security Council's continued support for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of sustainable peace and constitutional democracy and assume their rightful place in the community of nations;

2. To review the progress made by the Afghan Government, with the assistance of the international community and in accordance with the Afghanistan Compact, in addressing the interconnected challenges in the areas of security, governance, rule of law and human rights, economic and social development, as well as on the cross-cutting issue of counter-narcotics;

3. To assess the status of implementation of relevant Security Council resolutions, in particular resolutions 1806 (2008) and 1833 (2008), as well as of mutual pledges and commitments made by the participants to the International Conference in Support of Afghanistan, held in Paris on 12 June 2008;

4. To underline, in this context, the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan by leading the civilian efforts of the international community and to express strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the women and men of the United Nations Assistance Mission in Afghanistan (UNAMA);

5. To review the implementation of the enhanced coordinating role assigned to UNAMA and the Special Representative of the Secretary-General by Security Council resolution 1806 (2008), taking into account the need for an integrated approach and the principle of reinforcing Afghan ownership and leadership;

6. To review efforts by the Afghan authorities, with the assistance of the international community, to address the threat to the security and stability of Afghanistan posed by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade and in the diversion of chemical precursors;

7. To review the humanitarian situation in the country, including the food security situation, and the implications for security and stability;

8. To assess the cooperation, coordination and mutual support between UNAMA and the International Security Assistance Force, including on humanitarian and human rights issues and in supporting the electoral process, taking due account of their respective designated responsibilities;

9. To reaffirm the crucial importance of advancing regional cooperation as an effective means to promote governance, security and development in Afghanistan.

United Nations S/2008/709

Security Council

Distr.: General
17 November 2008

Original: English

Report of the Secretary-General on the situation in Somalia

I. Introduction

1. The present report is submitted pursuant to the statement of the President of the Security Council of 31 October 2001 (S/PRST/2001/30) in which the Council requested me to submit quarterly reports on the situation in Somalia. The report covers developments since my last report dated 16 July 2008 (S/2008/466) and focuses, in particular, on the internal political developments and the ongoing efforts to implement the Djibouti agreement reached between the Transitional Federal Government and the Alliance for the Re-liberation of Somalia. The report includes relevant information on peacebuilding efforts, an update on the security, humanitarian and human rights situation, as well as operational activities of United Nations agencies and programmes in Somalia. It also provides details on the status of contingency planning for the possible deployment of a United Nations peacekeeping operation, as well as an update on the implementation of Security Council resolution 1816 (2008) on piracy and armed robbery, as requested in paragraph 13 of that resolution.

II. Main developments in Somalia

A. Political developments

2. Since my last report, there have been a number of significant political developments in Somalia. Key among them, was the decision by Prime Minister Nur Hassan Hussein to dismiss the Mayor of Mogadishu and Governor of Benadir Region, Mohammed Dheere, on 29 July on charges of mismanagement of public funds. Following the dismissal of Mr. Dheere, 10 Cabinet members allied to President Abdullahi Yusuf resigned on 2 August in protest. President Yusuf subsequently reinstated the Mayor which exacerbated tensions within the Government. The Prime Minister in turn, nominated five new ministers and a deputy minister on 3 August to replace those who had resigned.

3. In a bid to break the deadlock, the leadership of the Transitional Federal Government — the President, the Prime Minister and the Speaker of Parliament — met in Addis Ababa on 25 August, where they reached an agreement under the auspices of the Ethiopian Government. The Addis Ababa agreement provides for the reconstitution of the Benadir regional administration within 15 days of signing the agreement; the proper collection and administration of revenue; capacity-building for the Ministry of Finance, customs, airport and seaport administrations, and the

08-59644 (E) 171108

redeployment of Ethiopian troops outside the capital following the reconstitution of the Benadir regional administration.

4. On 27 August, Prime Minister Hussein announced to Parliament that a 12-member committee would be established to work on the reform of the Benadir regional administration as provided for in the Addis Ababa agreement signed on 25 August. The motion of "no confidence" tabled on 25 August in Parliament against the Prime Minister was defeated on 1 September by a vote of 191 members out of the 200 members present.

5. While the Addis Ababa agreement appears to have eased tensions within the Executive, members of the Transitional Federal Parliament voted against the reinstatement of the cabinet members who had resigned on 6 September. Consequently, the Speaker formed a Committee of Parliament to examine the issue. The Committee reported to Parliament, upholding its earlier decision not to reinstate the ministers who had resigned. Parliament endorsed the Committee's recommendation on 24 September.

6. During this period of internal tensions within the Transitional Federal Government, my Special Representative Ahmedou Ould Abdallah, remained in close contact with the leadership of the Government, encouraging them to work together to resolve their differences peacefully. With regard to the Djibouti agreement, I am pleased to report that there has been significant progress in the political discussions between the Transitional Federal Government and the Alliance for the Re-liberation of Somalia towards its implementation. From 16 to 19 August, delegations of the Transitional Federal Government and the Alliance for the Re-liberation of Somalia met in Djibouti, where they endorsed the terms of reference of the High-Level Committee and the Joint Security Committee provided for in articles 8 and 9 of the Djibouti agreement. To trigger the implementation of the agreement, a technical signing of the document took place on 19 August 2008, in the presence of members of the international community.

7. The Joint Security Committee is co-chaired by the United Nations and the African Union, and its meetings are attended by commanders of the security forces of the Transitional Federal Government and field commanders of the Alliance for the Re-liberation of Somalia, whose Commander-in-Chief, Omar Hershi, leads the delegation. The broad responsibilities of the Joint Security Committee include: (a) recommending the modalities and time frame of the phased withdrawal of Ethiopian forces; (b) implementing a cessation of armed confrontation between the Transitional Federal Government and the Alliance for the Re-liberation of Somalia; (c) establishing a joint force of the Transitional Federal Government and the Alliance for the Re-liberation of Somalia to, inter alia, observe, verify and monitor compliance with the agreement, facilitate unimpeded humanitarian access and assistance, including the protection of humanitarian aid workers and investigate reported breaches in the agreement. The African Union Mission in Somalia (AMISOM), is expected to play an important role in that regard. The Joint Security Committee would also find appropriate peaceful solutions in the event of a breach of the agreement. In addition, the Committee shall prepare recommendations for the restructuring and reform of the Somali armed forces. It is envisaged that, working closely with the joint Somali security force, AMISOM would assist in the monitoring and verification of the ceasefire; bridge the gap before the deployment of an international stabilization force; provide VIP protection to both parties; secure

the main lines of communication especially at the airport, in the K4 area and the seaport; train and build the capacity of the Somali security force, in particular, the police. The African Union is in the process of deploying a police component to AMISOM for that purpose. As indicated in paragraph 12 below, AMISOM is expected to fill any security vacuum that may be created by the withdrawal of Ethiopian forces and before the arrival of an international stabilization force.

8. At the end of the first meeting, the leaders of the two delegations to the Joint Security Committee signed a final communiqué on 18 August 2008, paragraph 8 of which calls for the deployment of a United Nations peacekeeping force. Members of the Joint Security Committee also agreed on various modalities for the implementation of the Committee's mandate. These include: (a) observing a ceasefire and cessation of hostilities between the Transitional Federal Government and the Alliance for the Re-liberation of Somalia; (b) disengaging combatants of the Transitional Federal Government and the Alliance for the Re-liberation of Somalia; (c) facilitating the deployment of a United Nations peacekeeping force, establishing liaison between the two parties, as well as preventing armed confrontation between them, ensuring proper behaviour and conduct of the Somali armed forces with regard to the observation of human rights and standards, and demolishing all illegal checkpoints that hinder the smooth transportation of humanitarian aid.

9. The second meeting of the Joint Security Committee was held in Djibouti from 17 to 19 September. As agreed earlier, members of the Committee focused on planning for the implementation of the cessation of armed confrontation, as a first step towards a full-scale ceasefire, the time frame and locations of the withdrawal of Ethiopian forces from the country, and the possible formation of a joint security force.

10. The Committee drafted an agreed ceasefire declaration and an implementation document. The parties requested more time from the Chair to consult their respective constituencies, particularly the commanders of fighting forces on the ground, before signing the two documents. A communiqué issued at the end of the meeting on 21 September, indicated that members of the Joint Security Committee were given 15 days to carry out consultations before proceeding with joint sessions to finalize detailed military modalities, pending the issuance of the ceasefire declaration.

11. To strengthen the capacity of delegates to the Joint Security Committee to develop feasible ceasefire modalities, a training session for members of the Committee was organized by the United Nations in partnership with the United Nations Development Programme and the African Centre for the Constructive Resolution of Disputes from 9 to 17 October in Cape Town, South Africa. The workshop also provided an opportunity to build trust and confidence among the participants. A separate workshop is planned for members of the High-Level Committee in Durban, tentatively, from 6 to 10 November 2008.

12. The third round of talks in Djibouti represents yet another step forward in the peace process. The Somali parties signed an agreement on the cessation of armed confrontation on 26 October, which sets out the following: (a) a ceasefire shall become effective on 5 November; (b) the relocation of Ethiopian troops from parts of Mogadishu and Beletweyne will commence on 21 November and will be completed in accordance with the terms of the Djibouti agreement; (c) AMISOM forces, with the assistance of joint Somali security forces, will provide security in

areas vacated by Ethiopian troops. To further entrench the peace process, the parties have agreed that the Joint Security Committee shall operate from within Somalia by the end of November.

13. The High-Level Committee, which is chaired by the United Nations, is focused on political cooperation, including discussions on the inclusion of the Alliance for the Re-liberation of Somalia in a future government, or as a formal opposition group. Issues such as the development of a new constitution, justice and reconciliation, structured management of the humanitarian crisis, and a public campaign aimed at mobilizing Somali support to the Djibouti agreement are also high on the Committee's agenda. A number of joint subcommittees have been established to detail proposals for adoption at a later meeting.

14. On 28 October, my Special Representative, addressed the 29th Extraordinary Meeting of the Intergovernmental Authority on Development (IGAD) Council of Ministers, held in Nairobi, on the situation in Somalia. The meeting was convened by IGAD member States to consult with the transitional federal institutions on the situation in Somalia. At the conclusion of the meeting, on 29 October, the IGAD member States issued a communiqué in which they: urged the Somali parties to implement the agreement on the cessation of armed confrontation, signed on 26 October in good faith; requested that the Transitional Federal Government appoint a new cabinet and establish a new Banadir Administration within 15 days from the date of the communiqué, finalize the drafting of the constitution and enact an electoral and political parties' law within six months of the date of the communiqué. IGAD member States agreed to establish a Facilitator to help monitor the implementation of its decisions, receive progress reports on the implementation of those decisions and to meet every six months to review progress made on their implementation.

Other developments

15. In "Somaliland", preparations continue for the upcoming presidential elections on 29 March 2009. The authorities have launched a nationwide media campaign for the voter registration process. All parties registered to participate in the elections have reiterated their commitment to uphold the rule of law and the constitution and maintain peace and stability. The main opposition party, Peace, Unity and Development Party (KULMIYE), elected its nominees for the positions of President and Vice-President on 25 August 2008. The ruling National Democratic Union Party and the Justice and Welfare Party are both preparing for their conventions to select candidates.

16. There are, however, concerns that the prevailing peace and stability in "Somaliland" could be derailed by the severe economic crisis caused by the persistent drought throughout Somalia and the alarming global rise in food and petroleum prices. There is also fear that human trafficking in the region, as well as rising acts of piracy and armed robbery against ships, pose a serious threat to stability.

17. The presidential and parliamentary elections in "Puntland" are scheduled for 9 January 2009. The 66 members of the "Puntland" Parliament, who will be selected by their clan elders through regional quotas, will then elect the President and Vice-President by secret ballot.

locations throughout the country. Regrettably, the fighting has resulted in a heavy loss of civilian lives. It is anticipated that results of the recently signed agreement on the cessation of armed hostilities will yield positive results in the coming weeks to underpin the progress made thus far in the political process.

24. Beletweyne, a strategic town in the Hiran Region, has been evacuated by the Ethiopian Armed Forces as a result of discussions with Alliance for the Re-Liberation of Somalia fighters on the ground following the signing of the Djibouti agreement. The Transitional Federal Government does not have the capacity to defend and control the entire country, as its security apparatus lacks adequate equipment and training to effectively contain armed elements. This is compounded by its inability since January 2008 to pay salaries to the national police and troops. This has led to an erosion of morale among government forces, leading to desertions and the illegal sale of weapons. The international community which hitherto supported the Transitional Federal Government in maintaining its security, especially the national police, has withheld support, due to allegations of human rights violations by some government forces, and the lack of transparency and accountability for the funding provided. Given the significance of security issues, it is essential that security institutions in Somalia be strengthened through the provision of necessary resources. Failure to adequately address sustainable support for the security sector will only serve to strengthen the position of those who are opposed to peace. About 40 per cent of the police officers trained by the United Nations have left the police force, owing to the lack of payment of salaries.

25. The activities of the United Nations are increasingly threatened by the fighting in Somalia. The United Nations common compound in Baidoa has experienced near misses during mortar attacks by the various groups. Mortar attacks on airfields and numerous roadblocks within Somalia prevent humanitarian workers from both the United Nations and non-governmental organizations (NGOs) from discharging their duties, and sometimes leave them stranded in unsafe locations when not taken by force. United Nations and NGOs, national and international personnel in Somalia, including private individuals and organizations contracted for their services by those organizations have increasingly become direct targets for armed groups. The suicide bomb attack against the office of the United Nations Development Programme in Hargeisa on 29 October, where two staff members were killed, illustrates the escalating danger.

26. I am deeply concerned about the security and safety of United Nations personnel, especially national personnel who have become targets of assassinations and kidnappings in their own communities. Many Somali United Nations staff and their families have been relocated from their duty stations to other locations within Somalia following the circulation of a list of names of individuals targeted for assassination by anti-government elements offering cash for their assassination.

27. There are also indications that those opposed to the Transitional Federal Government and acting as the core of Al-Shabaab movement may steer a more radical course. There is, therefore, a growing risk for United Nations staff being targeted in another major terrorist attack in Somalia or at the United Nations office premises in Nairobi. The threat of attack issued by Al-Shabaab against all flights into Mogadishu International Airport, from 16 September 2008, and the subsequent mortar attack on an aircraft at that airport, points to the significant deterioration of the security situation in Mogadishu.

28. Contingency plans for the relocation of the United Nations Political Office for Somalia (UNPOS) and the United Nations country team to Somalia, outlined in my previous report, are yet to be implemented, as none of the mitigating factors to reduce threats to security are at an acceptable level. Under current conditions, the relocation of UNPOS can only proceed with the parallel deployment of an appropriate security dynamic. An inter-agency headquarters team to support planning for the relocation of the Office and the United Nations country team was deployed from Headquarters to Nairobi between 28 and 31 October. That mission has resulted in the development of strategic guidance which has fed into a concept of operations for the relocation of the Office and the country team to Somalia. The Department of Field Support and the Department of Safety and Security are planning the relocation of the Office based on this concept of operations.

29. In its presidential statement issued on 4 September (S/PRST/2008/33), the Security Council recalled the ongoing contingency planning for a United Nations integrated peacekeeping mission in Somalia, which envisages that plans be put in place for the deployment of an international stabilization force, within the framework of the approach presented in my report of 14 March 2008 (S/2008/178 and Corr.1 and 2). The Security Council also reaffirmed its willingness, as set out in its resolution 1814 (2008), to consider, at an appropriate time, a United Nations peacekeeping operation to take over from AMISOM, subject to progress in the political process and improvement in the security situation on the ground.

30. In that regard, the Council requested me, within 60 days, to: (a) elaborate on my contingency plans and provide a detailed and consolidated description of a feasible multinational force, its mandate and derived tasks, to include, inter alia, its size and geographical scope; (b) provide a detailed concept of operations for a feasible United Nations peacekeeping operation; and (c) identify and approach States that might contribute the required financial resources, personnel, equipment and services. The Council also expressed its readiness to support me in carrying out those tasks.

1. Multinational force

31. In response to the Council's request, I tasked the Department for Peacekeeping Operations to develop the concept of a feasible international stabilization force to support the implementation of the Djibouti agreement, taking into account the presence of AMISOM. As the Council is aware, AMISOM is currently deployed with some 3,450 troops, and is securing the airport, seaport and a critical road junction in Mogadishu, while also conducting patrols in the vicinity of the airport. It would be important for the design of any multinational force to take account of existing AMISOM capacity to ensure a coherent and effective presence on the ground.

32. To this end, a team from the Department of Peacekeeping Operations visited Addis Ababa in September to develop a consolidated description of an international stabilization force jointly with the African Union. Following those consultations and further development of the description by the Office of Military Affairs, it is proposed that a feasible international stabilization force would be composed of a headquarters and two multinational force brigades which should operate under unified command. One of the brigades could be a reinforced AMISOM; if this is not possible, or not supported by the lead nation, then a second multinational force brigade would be required. The core mandate of the international stabilization force

would be to provide a first phase of support to the implementation of the Djibouti agreement, helping the parties to establish a secure environment and create conditions for the deployment, at a later stage, of a multidimensional United Nations peacekeeping operation.

33. The area of operations for the international stabilization force would be limited to Mogadishu. Its key tasks would include securing strategic installations in the city, in particular the airport and seaport; monitoring and verifying the orderly withdrawal of the Ethiopian Armed Forces from Mogadishu, in line with the Djibouti agreement; and facilitating the relocation of elements of UNPOS and the United Nations country team to Mogadishu.

34. In cooperation with the Joint Security Committee established under the Djibouti agreement, the international stabilization force would monitor the ceasefire and help to establish a secure environment in Mogadishu.

35. The international stabilization force would adopt a phased approach. Phase One would see deployment of the multinational force to Mogadishu. Given the security conditions, one option would be to do this from a maritime base (see "international stabilization force capacities", below). In parallel, AMISOM would be reinforced to enable it to secure the Mogadishu airport, seaport and surrounding area, to a range beyond the reach of mortar attacks.

36. In Phase Two, the international stabilization force would monitor and verify withdrawal of the Ethiopian Armed Forces from Mogadishu. This should take place in an orderly and coordinated way, with the departing forces handing over to the international stabilization force, in order to avoid a security vacuum. AMISOM and multinational force contingents would be responsible for different sectors of the city, but would operate under unified international stabilization force command. Once the stabilization force has reached full operational capability, discussions would begin with UNPOS, Ethiopia and the parties to the Djibouti agreement on arrangements for the withdrawal of remaining Ethiopian forces from the rest of Somalia.

37. In Phase Three, the international stabilization force would focus on stabilization operations within Mogadishu, to create space for the Transitional Federal Government to consolidate its authority. The force, working with the committees established under the Djibouti agreement, and in coordination with the envisaged joint Somali security force, would monitor the anticipated ceasefire agreement and build confidence through joint patrols. AMISOM components in the seaport area would play an important role in helping to safeguard the delivery of humanitarian aid. During this phase, the force would also support relocation of the United Nations to Mogadishu and facilitate the conduct of a United Nations technical assessment mission.

38. In Phase Four, subject to political progress and improvements in the security situation, and following a Security Council resolution, the international stabilization force transition to a United Nations multidimensional peacekeeping operation would occur. This handover should take place only following the establishment of a credible, inclusive ceasefire agreement. Transfer of authority from the international stabilization force to the United Nations would be undertaken when the United Nations mission headquarters and a sufficient number of operational and enabling troops had deployed and reached initial operating capability.

International stabilization force capabilities

39. Owing to the very complex and hostile environment on the ground, it is essential that the multinational force be a highly capable, self-sustaining, expeditionary force with full capability to defend itself against hostile threats. The design of the force would, of course, be the prerogative of the lead nation. According to the Department of Peacekeeping Operations estimates, the strength required would be approximately two brigades, not including AMISOM components; however, force capacity is of greater importance than numerical strength.

40. The force would require capacity to conduct foot and vehicle patrols, including with protected mobility, supported by a quick reaction force with both air and ground capacity. It would require attack aviation that could be used to escort road convoys; engage or pursue technical vehicles; or escort ships into port. Transport helicopters would be required to airlift the quick reaction force unit, conduct medical evacuations, airlift supplies, and transport other personnel associated with the mission of the force. This force would also need to be logistically self-sustaining.

41. As outlined in my earlier report (S/2008/178 and Corr.1 and 2), the multinational force would require the capacity and training to defend itself robustly, but also to use force precisely, using the minimum force necessary and limiting collateral damage. Excessive use of force and collateral damage affecting civilians would be likely to attract retaliation and undermine the objectives of the mission.

42. Finally, dedicated maritime capacity would be required to support land-based operations. This would be particularly important for the multinational force during its deployment phase, allowing it to use maritime assets as a springboard from which to establish its presence in the area of operations. Continued capacity would be needed to facilitate the replenishment of supplies and secure humanitarian delivery. It would, of course, be important to coordinate these maritime operations with the ongoing activities being undertaken by Member States in respect of Security Council resolutions 1816 (2008) and 1838 (2008).

43. It is envisaged that AMISOM would need to build up to a strength of at least five capable battalions, each with at least one mechanized company to act as a quick reaction force or battalion reserve. Key additional requirements would be significant armoured vehicle capability; radio and tactical level communications, compatible with the international stabilization force; mortar-locating radar; capability to protect against improvised explosive devices; enhanced engineering equipment; enhanced inshore patrol boat capability; mapping support; and logistic and medical support, including funding and staff for a level II hospital. This would require additional support from donors and partners, and potentially from troop-contributing countries outside the African Union, under the auspices of the international stabilization force. To the extent possible, it would be advantageous to ensure that AMISOM contingents are deployed in line with United Nations standards, to facilitate any future transition to a United Nations peacekeeping mission.

Deployment timeline

44. Timelines for deployment would clearly depend upon the capacity of the contributing nations and developments on the ground. As an indication, the

Department of Peacekeeping Operations estimates that a feasible international stabilization force could reach initial operating capability (i.e., complete Phase One) within six months. Withdrawal of the Ethiopian Forces (Phase Two), should take place in parallel with continued build-up of the international stabilization force to full operational capacity. Stabilization operations could then commence in earnest.

Command and control

45. A unified, single command and control structure would be critical to the success of the international stabilization force. It is envisaged that the lead nation of the force would provide the Force Commander, with the AMISOM Force Commander serving as his deputy. Key international stabilization force headquarters posts would be filled by the lead nation, absorbing AMISOM staff, as this would ensure the greatest level of interoperability at the staff level. At the operational level, AMISOM and the multinational force would retain their own integral chains of command and operate in distinct sectors within Mogadishu.

46. Although the operational concept will be developed in detail by the international stabilization force lead nation, in conjunction with AMISOM, it is envisaged that AMISOM would operate in the south-eastern sector of the city, with responsibility for the security of the airport and seaport, and the coastal regions of Mogadishu, leaving the north-eastern districts for the multinational force. Other options could include a north or south lateral division of the city parallel with the coast.

2. United Nations peacekeeping operation

47. The contingency planning for a feasible United Nations peacekeeping operation has been reviewed to take into account the evolving situation on the ground and the envisaged development of an international stabilization force. The concept of operations for the peacekeeping operation envisages 22,500 troops, operating in five brigade-sized sectors throughout southern and central Somalia. This would be accompanied by an appropriate police and civilian component. The force would include a maritime and aviation task force to support the land-based operations.

48. It is envisaged that the United Nations operation would establish itself first in Mogadishu, taking over from the international stabilization force after the establishment of a credible and inclusive ceasefire agreement. As the peacekeeping operation builds up to full strength, it would expand its deployment progressively to the rest of Somalia, taking account of developments on the ground.

49. The major tasks for the peacekeeping operation would include creating a safe and secure environment for the rebuilding and restoration of Somalia's State institutions throughout the country; securing key installations, including ports of entry and key routes; providing security for United Nations personnel and assets; creating a safe and secure environment for the delivery of humanitarian aid; protecting civilians; assisting in the clearance and disposal of explosives; supporting an appropriate form of disarmament and demobilization for former combatants, or related programmes, such as weapons control and community reintegration, including, where required, the collection, cataloguing, security and storage of weapons; supporting reform of the security sector; and assisting in the creation of

conditions conducive to the voluntary, safe and dignified return of internally displaced persons and refugees.

50. More detailed planning for the United Nations operation would require a comprehensive technical assessment mission to visit key towns and sites within Somalia, ascertain the scope of the mission and the infrastructure required to support it. As most of southern and central Somalia is presently at United Nations Security phase IV, and Mogadishu at phase V, it will not be possible to send a technical assessment mission to Somalia until after the international stabilization force has stabilized Mogadishu. This is envisaged to occur in the third phase of the international stabilization force mission. Preparation and deployment of the mission to Mogadishu would be undertaken in the light of future Security Council decisions and developments on the ground. When the transfer of authority for Mogadishu from the international stabilization force to the United Nations is complete, the peacekeeping operation would then undertake a phased deployment into other key areas in southern and central Somalia.

3. Required funding and capabilities

51. At my direction, the Department of Peacekeeping Operations prepared a list of countries that are considered to have the capacity to provide a lead contingent, troops, funding or equipment for the envisaged multinational force. The countries were identified on the basis of an objective technical assessment conducted by the Department's Office of Military Affairs. In preparing the list, the Department also sought suggestions from all members of the Security Council and from UNPOS.

52. In my bilateral meetings during the general debate of the sixty-third session of the General Assembly, I raised the matter with the leaders of some of the identified countries, and one international organization. I made it clear that conditions in Somalia at present called for a multinational force, rather than a United Nations peacekeeping operation. The responses were mixed. Most leaders expressed some readiness to look into the request, while several expressed interest in participating in the multinational force. I subsequently dispatched letters to the leaders of all the identified countries, appealing to them to play the lead nation role, or to pledge troops, funds or equipment for the force, and indicating that I was required to report to the Security Council by 4 November. Once I receive the formal responses to my letters, I will be in a position to determine and advise the Council on whether or not the multinational force will materialize. In the event that it does not materialize, I would submit alternative proposals for the Council's consideration.

C. Actions in support of Security Council resolutions 1816 (2008) and 1838 (2008)

53. The growing incidence of piracy and armed robbery against ships off the coast of Somalia is another source of serious concern. Since my last report (S/2008/466), nearly a dozen ships, each carrying approximately 200 crew members, were hijacked off the coast of Somalia, particularly in the sea area bordering "Puntland". The increased capacity with which the pirates are conducting themselves poses a huge challenge to the freedom of trade and navigation in the area. In its resolution 1816 (2008), the Security Council requested States cooperating with the Transitional Federal Government on matters of piracy and armed robbery at sea to inform the

Security Council within three months of the progress of actions undertaken in respect of that resolution. The Council also requested me to report on the situation within five months. I have reminded Member States cooperating with the Transitional Federal Government of their undertaking to report in this regard and will forward their responses to the Council as soon as they are received.

54. To date, the Secretariat has received confirmation from the Permanent Mission of Somalia to the United Nations that the following countries are cooperating with the Transitional Federal Government in respect of fighting piracy: Canada, Denmark, France, India, the Russian Federation, Spain and the United States of America. The Secretariat has also received letters from Canada, Denmark, France, Spain and the United States confirming that they have already deployed maritime units off the coast of Somalia to fight piracy and armed robbery against ships, in keeping with resolution 1816 (2008).

55. Specifically, on 22 August, the United States led the establishment of a maritime security patrol area in international waters off the Somali coast. The area, which is intended to act as a buffer between the Somali coast and the shipping lanes off southern Yemen, is patrolled by three United States vessels, as well as vessels from Canada, France and the United Kingdom of Great Britain and Northern Ireland. Meanwhile, Canada and the Netherlands have been supporting the World Food Programme by providing a naval escort to ships carrying food aid from Mombasa, Kenya, to Mogadishu. The North Atlantic Treaty Organization has deployed seven ships from its Standing Maritime Group 2 to take on the anti-piracy role off the coast of Somalia. The mission of Group 2, which comprises ships from Germany, Greece, Italy, Turkey, the United Kingdom and the United States, is primarily to protect ships carrying humanitarian aid, as well as eligible merchant vessels.

56. On 15 September, the European Union General Affairs Council established a coordination unit tasked with supporting the surveillance and protection activities carried out by some European Union member States off the coast of Somalia. The General Affairs Council approved a plan for implementing the military coordination action, which will comprise a coordination cell based in London. It also approved a strategic military option regarding a possible European Union naval operation, which the European Union intends to launch by December 2008.

57. The growing number of Member States and organizations undertaking maritime operations off the Somali coast will require greater coordination. The European Union has proposed that the Department of Peacekeeping Operations play a role in that regard. Discussions should continue on the specifics of assistance required and resource implications.

58. The activities of individuals engaged in acts of piracy and armed robbery against ships off the coast of Somalia are weakening the Transitional Federal Government and the "Puntland" authorities. Since January 2008, about 65 merchant ships, with about 200 crew members each, have been hijacked off the coast of Somalia, particularly in the sea area bordering "Puntland". It is estimated that, since the beginning of 2008, between 25 and 30 million United States dollars has been paid in ransom to pirates. Federal and local authorities are victims of this surge in piracy and armed robbery against ships and do not have the well-equipped speedboats, communications equipment nor high-powered firearms that are required to fight the attacks of pirates. A challenge associated with piracy is the identification

of detention facilities in which to hold those individuals apprehended for acts of piracy or armed robbery against ships and the determination of jurisdictions within which to try them. The delivery of relief goods has become more expensive and more dangerous, owing to the imminent and high risk of piracy off the Somali coastline, as well as road checkpoints by rogue freelance and clan militias.

III. African Union Mission in Somalia

59. Since 21 September 2008, there have been unprecedented and unprovoked attacks against AMISOM positions; these were preceded by a spate of similar hostilities against AMISOM troops a week earlier, in which the peacekeepers lost two soldiers and four sustained injuries. There were also several attacks against AMISOM positions in August and one soldier was killed.

60. To date, of the authorized strength of 8,000 troops, AMISOM consists of two Burundian battalions and two Ugandan battalions, which make a total of 3,400 troops in Mogadishu. The second Burundian battalion was deployed to Somalia between 11 and 13 October. In order to reach its mandated level of nine battalions, a mission headquarters staff of 70 international staff and 67 police, AMISOM estimates that it will require approximately $200 million for the period from January to December 2009, excluding bilateral support to troops.

61. As I noted in my last report, the United Nations Secretariat is working closely with the African Union to strengthen the AMISOM planning unit in Addis Ababa. I therefore call upon the international community to extend, without delay, financial and logistical assistance for AMISOM, in support of the implementation of the Djibouti agreement.

IV. Activities of the United Nations and the international community

62. In this critical period leading to the implementation of the Djibouti agreement, the United Nations Political Office for Somalia continued its efforts to mobilize the international community with a view to developing a common approach to addressing the challenges facing Somalia. On 16 September, the International Contact Group on Somalia met in Djibouti for the first time under the chairmanship of my Special Representative to discuss the situation in Somalia. Those participating in the discussions included representatives of the African Union, the European Commission, the European Union Council secretariat, the Presidency of the European Union (France), the Intergovernmental Authority on Development, the League of Arab States, the Organization of the Islamic Conference, the World Bank, Canada, Djibouti, Egypt, Ethiopia, Italy, Kenya, Norway, Sweden, the United Kingdom and the United States. The meeting was also addressed by the representatives of the Transitional Federal Government and the Alliance for the Re-liberation of Somalia, who attended the session as a joint delegation.

63. The International Contact Group welcomed the signing of the Djibouti agreement and the establishment of the High-Level Committee and the Joint Security Committee. Members of the Contact Group urged the parties to the Djibouti agreement to agree on concrete measures for implementing the cessation of

armed confrontation and to allow the timely withdrawal of Ethiopian forces and the deployment of the stabilization force requested in the Djibouti agreement. The Contact Group also expressed its full support for the implementation of agreements reached in the meetings of the Committees.

64. The meeting of the Contact Group condemned the continuing violence in Somalia, especially against women and children. It also condemned attacks against humanitarian workers and called upon all parties to immediately cease hostilities and allow free and unhindered access for humanitarian aid. The Contact Group welcomed the political cooperation between the Transitional Federal Government and the Alliance for the Re-liberation of Somalia and called upon all Somalis, at home and abroad, to fully support the Djibouti agreement. It expressed its determination to support the consolidation of this cooperation. The Group urged all parties to join the political process to quickly restore peace and stability to Somalia, and emphasized that no individuals or groups should be allowed to obstruct the peace process. It welcomed the commitment to convene an international conference on the reconstruction and development of Somalia, as agreed in the Djibouti agreement, and stated its willingness to immediately engage in the required preparatory work. It urged the parties to work through the Committees provided for in the Djibouti agreement and to urgently agree on plans and mechanisms to support the delivery of much needed humanitarian assistance in consultation with humanitarian partners.

65. On 20 and 21 October 2008, in Stockholm, the Government of Sweden hosted a preparatory meeting for an International Donor Conference on Recovery and Development for Somalia, which is provided for in article 11 of the Djibouti agreement. My Special Representative chaired the meeting, which was attended by representatives of the Transitional Federal Government and the Alliance for the Re-liberation of Somalia and the donor community. The meeting reviewed the current political, security and humanitarian situation in Somalia in order to develop a common strategy for addressing the relevant issues in 2009. It established that Somalia is currently in a "pre-recovery" stage that precedes traditional recovery and development assistance. It was agreed at the Stockholm meeting that, as a matter of priority, existing and additional resources must be marshalled to support peacemaking and efforts towards the consolidation of peace. While many donors reaffirmed the availability of funding to support the implementation of the Djibouti agreement, they were also looking for signs that demonstrated the credibility of the peace process.

66. The United Nations country team has scaled up the implementation of the United Nations transition plan, as part of its efforts to increase support for its ongoing humanitarian activities, particularly in "Somaliland" and "Puntland". The country team held mid-year reviews in Hargeisa and Garowe, jointly with government partners, donors, multilateral institutions and non-governmental organizations to improve coordination and strengthen accountability for the implementation of the transition plan.

67. As at 1 October, approximately US$ 164.7 million has been mobilized for recovery and development activities across Somalia, representing 58 per cent of what is required to meet the United Nations transition plan targets for 2008. During the present reporting period, a programme risk assessment was undertaken to define the additional measures required to ensure that United Nations operations continue

in a safe and secure manner across Somalia and are increased where possible. At the same time, the United Nations transition plan is being implemented in a balanced manner that supports both the Somali people and Somali institutions and, as such, funds are being allocated across five strategic outcomes, namely: institution-building; local governance and decentralized service delivery; rule of law; basic services; and livelihoods. Implementation of a communications strategy is ongoing to provide information to the public on the work of the United Nations in the country.

V. Humanitarian situation

68. The humanitarian situation in Somalia continues to deteriorate drastically. According to the latest food security assessment, carried out in August 2008, the number of people in need of livelihood and humanitarian support has increased by 77 per cent, from 1.8 million to 3.2 million people since January 2008. The total figure includes an estimated 2.1 million people in rural and urban areas who do not have enough food and are selling assets in order to buy food. There are some 870,000 newly displaced persons (since March 2007), and an estimated 275,000 long-term or protracted internally displaced persons. An estimated 85 per cent of the rural populations in need of humanitarian assistance are in Lower and Middle Shabelle and the central regions of Mudug, Galgaduud and Hiraan.

69. One in six children under the age of five is acutely malnourished, and the number continues to increase. Rates of malnutrition in most parts of south-central Somalia are above the emergency threshold level of 15 per cent, and in many areas are now higher than 20 per cent and are increasing. The situation has been exacerbated by drought and high food prices, coupled with the collapse of the Somali currency and continuing instability. This has left many Somali families without the means to afford even the most basic needs for survival, such as food, water and shelter.

70. The humanitarian crisis is no longer limited to south-central Somalia, and is now expanding to the relatively stable north, where at least 350,000 persons are in need of humanitarian assistance or livelihood support. Since this is occurring in areas that are not experiencing active conflict, it shows the complexity of the situation, which is creating a countrywide crisis.

71. The level of insecurity and direct targeting of humanitarian workers render the delivery of humanitarian assistance extremely difficult. Since the beginning of 2008, 29 aid workers have been killed, 19 have been kidnapped and 10 are still held captive. Despite increasing security threats, humanitarian agencies courageously continue to attempt to reach those most in need. Some organizations have scaled down their operations in certain areas of the country, while regrettably, one organization has had to pull out completely.

72. In Afgooye, food aid was distributed to 326,000 persons on a monthly basis. An average of 80,000 persons, mainly women and children, receive cooked rations daily from 16 kitchens in Mogadishu. In total, from June to August 2008, food aid organizations distributed 84,000 tons of food aid commodities to over 2 million beneficiaries. In August 2008, just over half of the planned rations were distributed, as owners of vessels cancelled planned shipments, owing to a gap in naval escorts for humanitarian ships. Some 90 per cent of food shipments to Somalia go by sea

and 150,000 tons is planned to be shipped between October and the end of 2008. Without the naval escorts, the entire humanitarian response in Somalia is jeopardized. There is a funding shortfall of $98 million for food aid from October 2008 to March 2009 and urgent renewed donor contributions are needed to avoid a complete break in the food flow. I am grateful to the Government of Canada for extending its naval support to World Food Programme food shipments until 23 October and to the Government of the Netherlands which has stepped forward to take over from Canada from 23 October to December 2008.

73. In Beletweyne, despite access and security issues, the United Nations and its partners were able to provide blanket feeding for 15,000 children under the age of five and for 1,000 malnourished children, immunize 12,000 children against measles and to reach about 20,000 internally displaced persons with water, hygiene and sanitation activities. United Nations-supported child protection networks operating in the Hiraan region assisted communities in monitoring and identifying children at risk for service referral. United Nations agencies continued to support 40 nutrition feeding centres through the provision of therapeutic and rehabilitation food. From July to September, the United Nations and its partners scaled up the number of feeding programmes throughout Somalia by 30, from 173, in order to respond to the increased nutritional needs of 5,200 severely acute children and 30,000 moderately acute children. In August, a first round of blanket feeding — distribution of UNIMIX-food supplement, rich with vitamins and minerals — was distributed to approximately 7,500 children under the age of five living in 22 Bossaso internally displaced persons camps as well as in Garowe and Galkayo internally displaced persons camps. Along the Afgoye Corridor and in Mogadishu, 55,000 children under the age of five in internally displaced persons camps (close to 90 per cent of all children are under the age of five in this area) received a second round of blanket feeding in August, with a third round scheduled for late September. In addition, the United Nations is supporting about 600 children in four internally displaced persons camps in Jowhar who benefit daily from a cooked supplementary feeding programme.

74. The third and fourth rounds of the polio national immunization days were conducted in July and August 2008. The programme successfully reached 95 per cent of the targeted 1.8 million children under the age of five and involved more than 10,000 volunteers as vaccinators. In Mogadishu and Afgooye internally displaced persons camps, more than 140,000 children between the ages of 9 months and 15 years were vaccinated against measles. The campaign was implemented by a local non-governmental organization, in collaboration with local communities and targeted about 95 per cent of the total population under 15 years old. Measles is a serious health problem in Somalia and a significant cause of child mortality.

75. As seasonal storms in the Gulf of Aden subsided, an increasing number of asylum-seekers, mainly Somalis, arrived on the Yemeni coast. Thus far, more than 28,000 persons, including 19,071 Somalis, have made the dangerous sea journey to Yemen in 2008. An estimated 366 persons died during the journey, and another 239 are missing. From the start of 2008 to 15 September, 45,911 refugees had been registered in Dadaab Refugee Camp, Kenya, of which 43,879 had arrived from Somalia. There are also some 6,000 other persons awaiting registration.

76. Field consultations for the 2009 consolidated appeal process were held in August 2008 in Hargeysa and Garowe. Due to security concerns, the consultations

for the south-central regions were held in Nairobi. The workshop identified three strategic priorities that will guide the planning and implementation on the ground. Only 65 per cent of the 2008 consolidated appeals process for Somalia, in which $646 million was requested, has been funded as of end September. There are major variations in funding levels between sectors, ranging from 9 per cent of the requirement for education to 92 per cent for food aid. Some key sectors, such as health (16 per cent), nutrition (29 per cent), agriculture and livelihoods (24 per cent), and safety and security for staff (8 per cent), need urgent attention if the humanitarian community is to undertake an integrated response and maintain the current level of operations.

77. My Special Humanitarian Envoy, Abdul Aziz Arrukban, undertook a mission to the region in August, with the aim of advocating for the stronger involvement of the Gulf countries in addressing the humanitarian crisis in Somalia. My envoy visited Waajid in south Somalia, and the Dadaab refugee camp in north-eastern Kenya.

VI. Human rights and protection of civilians

78. The human rights situation in Somalia continues to be characterized by indiscriminate violence and frequent attacks against civilians, particularly women and children. In the increased fighting, all armed groups are reported to have committed serious violations of human rights and international humanitarian law by indiscriminately targeting civilians and using heavy weapons and improvised explosive devices in densely populated areas. According to the Country Task Force created in accordance with Security Council resolution 1612 (2005) to monitoring and reporting, the number of children killed and maimed through indiscriminate attacks, such as roadside bombs and direct targeting, has increased. Reported cases of sexual violence against children have risen from 115 in 2007 to 128 in 2008. Women and children in internally displaced persons settlements are also at a heightened risk of violence. Children and youth in detention centres are often held without due process.

79. Violations of freedom of expression continue to be of concern in all parts of Somalia. Authorities in "Somaliland" and "Puntland" have restricted the freedom of expression in the preparation for the upcoming elections. In south-central Somalia, both sides to the conflict continue to target journalists and human rights defenders with death threats, arbitrary arrests, illegal detention and torture. I am, however, encouraged by the decision of the High-Level Committee established under the Djibouti agreement to consider issues of justice and reconciliation, within the framework of that agreement.

80. The independent expert on the situation of human rights in Somalia visited Somalia, Kenya, Djibouti and Ethiopia from 28 June to 12 July 2008, and presented his findings to the Human Rights Council on 19 September 2008. A technical human rights assessment mission visited the subregion from 19 July to 2 August 2008. Key recommendations of the mission include the need for advocacy for greater accountability and an end to impunity; reform of the security sector including issues related to the development of codes of conduct for the military and the police, in particular through engagement with the Joint Security Committee and High-Level Committee established under the Djibouti agreement. It is proposed that the human

rights presence within UNPOS will therefore support the peace process through human rights monitoring and public reporting, advisory and capacity-building functions, as well as advocacy and awareness-raising. These activities will be conducted in close cooperation with other components of UNPOS, the United Nations country team, civil society, as well as relevant authorities and other actors.

VII. Operational activities to support peace

81. The recent deterioration of security has meant that the United Nations has had to review its programmes, as well as their implementation and modalities. Some operations have been scaled down. Nonetheless, a number of recovery and development initiatives have continued in complement to humanitarian interventions.

Institution-building

82. Progress has been made in support of the constitutional process, particularly in the area of technical support for the Independent Federal Constitution Commission and the Parliamentary Committee for the Constitution. The Independent Federal Constitution Commission initiated a process in August 2008 to build the foundation of training that would lead to improved capacities for the future drafting of the Constitution. Simultaneously, the United Nations has worked towards engaging the parties to the Djibouti process in a dialogue on how to jointly take the constitution-making process forward. The Transitional Federal Government and the Alliance for the Re-liberation of Somalia are now actively engaged in these discussions.

83. The Transitional Federal Government continued its work towards agreed benchmarks set out in the start-up package, funded by international partners through the United Nations. The six-month package has provided support for ministries, independent commissions and the Transitional Federal Parliament, in the form of equipment, and the rehabilitation of public buildings.

84. In "Somaliland", 44 new civil servants are currently undertaking training by the Somaliland Civil Service Institute on human resources and budget management In "Somaliland" and "Puntland", planning is under way to support the authorities in a public financial management reform project in collaboration with the World Bank and international partners.

Local governance and decentralized service delivery

85. In south-central Somalia, the district-based peacebuilding process established district and regional councils through a process of reconciliation and community consultations. The initiative continues in the Middle and Lower Shabelle, but is moving slowly, owing to the security situation. Given the deterioration in security in parts of south-central Somalia, the United Nations Joint Programme on Local Governance and Decentralized Service Delivery entered into discussions with the authorities to select districts that could be targeted with the District Basket Fund under the current conditions. Through this process, the targeted districts have been reduced from ten to two, where district participatory planning and investment is possible.

Rule of law and security

86. United Nations support to the Somalia Police Force has emphasized institutional capacity-building, particularly for the creation of internal and external legal oversight mechanisms and accountability. To this end, special training was provided in Uganda to build Somali knowledge and capacity for the development of an internal control unit. Eighty police station commanders from Mogadishu and other parts of south-central Somalia were trained to effectively manage police stations and new recruits.

87. The Mine Action programme in Somalia aims to provide support to national mine action coordination institutions and to create national mine and explosive remnants of war clearance capacities, while concurrently gathering and evaluating impact data and information. The programme is well established in "Somaliland" and "Puntland", and with the successful establishment of the south Central Somalia Mine Action Coordination Centre in Baidoa earlier in 2008, now has full national coverage. Mine Risk Education was provided to over 26,000 recipients in 2008 to September in the five districts around Baidoa alone. A training programme for police explosive ordinance disposal teams has also been productive, with over 40 trainees successfully completing their courses. The ability of the Mine Action Coordination Centre explosive ordinance disposal, medical, survey and mine risk education teams to operate widely in the Baidoa area has demonstrated that options for national capacity-building still remain viable, given the support the programme has received from all actors in the region, although the worsening security situation has prevented the programme from developing to its full potential due to restrictions on international training staff presence. Violent incidents in the area necessitated the temporary evacuation of all international staff in early October, although none of the incidents appeared to be directed deliberately at the Centre.

88. In the justice sector, the United Nations, in partnership with local NGOs, continued to provide free legal aid to vulnerable groups. Despite difficult security conditions, the NGOs worked closely with the locally established Police Advisory Committees in Mogadishu, also supported by the United Nations, to address cases of police detentions exceeding 48 hours. Free legal services clinics have been opened in locations throughout Somalia.

89. The United Nations supported the successful launch of the Somaliland Justice Law No. 36/2007 by Somaliland Ministry of Justice which aims to achieve justice for children by introducing provisions protecting the rights of children in legal proceedings. It establishes various new institutions such as children's courts, children's police, social probation office, children pre-trial detention centres, and children rehabilitation centres in addition to various procedures and processes which are not yet in operation in Somaliland. The United Nations Children's Fund and its partners will continue to provide technical support, as requested by the Somaliland Minister of Justice.

Provision of basic services

90. Improvements in public health are being recorded across Somalia. In southern Somalia, support has focused on enhancing the capacity of basic health providers. In Baidoa and Benadir, hospitals have been supported to provide emergency obstetric care. In addition, 23 service delivery points providing birth spacing, antenatal care, sexual and gender-based violence counselling, sexually transmitted infections

management, HIV prevention and information services, have been rehabilitated or improved across south-central Somalia. In "Puntland", 100 health workers and laboratory technicians were trained in Garowe, Bossaso and Galkayo.

91. United Nations agencies and their partners have enhanced the quality of education through the provision of schools, materials, equipment and the in-service training of teachers and education managers. Women education networks were formed in the Bay, Bakool and Gedo regions, and close to 600 teachers were supported to teach internally displaced children in the Lower and Middle Shabelle, Afgoye and Galgadud. In "Puntland", a mentoring programme for 1,500 teachers on teaching skills is ongoing in all regions. A "Go to school" media campaign on girls' education is also ongoing in the local media, with the aim of improving the rate of enrolment for girls.

Livelihoods

92. In August 2008, the results of the post "Gu" 2008 seasonal assessment, which measures the annual rainfall between mid-April and June, highlighted the continuing and deepening drought affecting pastoralists in the central regions, as well as poor crop production in major grain-producing areas. The "Gu" 2008 cereal production, at 85,000 tons, is the third lowest cereal production since 1995. Together with NGO partners, the United Nations is implementing projects to support the re-establishment of livelihoods in the agriculture, livestock and fisheries sectors for some 3,000 households displaced by conflict in Mogadishu.

HIV/AIDS and sexual gender-based violence

93. I am pleased to report an increased HIV/AIDS service update through the implementation of an integrated prevention, treatment, care and support approach. As of July 2008, there are 21 voluntary counselling and testing sites and six anti-retroviral treatment sites providing integrated prevention, treatment care and support services throughout Somalia, with two in south-central Somalia, three in "Somaliland" and one in "Puntland". Close to 14,000 patients and 11,000 clients have benefited from these services.

94. With regard to sexual gender-based violence, advocacy and medical response efforts were augmented to halt the number of cases of female genital mutilation and reduce women disabilities linked to the practice. Gender advisers have been placed in the ministries of women's and family affairs in "Puntland" and "Somaliland" to build capacity on gender-related issues.

VIII. Observations

95. I applaud the commitment of the Somali parties to the Djibouti process and the significant progress they have made, as reflected in the agreement on the cessation of armed confrontation signed on 26 October. The undertaking to form a joint security force and to establish a ceasefire is a decisive step towards securing peace and stability. I also welcome the readiness of Ethiopia to withdraw its troops in support of the ceasefire. The expressed intention of the parties to establish a government of national unity is also welcome and I look forward to discussions on the establishment of such a government. The Djibouti agreement remains open to all Somalis. I therefore urge all Somalis to join the ongoing process, implement it

faithfully and commit, unconditionally, to peace. At the same time, the Addis Ababa agreement signed by the leadership of the Transitional Federal Government on 25 August 2008 must be implemented quickly to establish a credible and efficient administration in Mogadishu and its region.

96. With regard to the recent Inter-Governmental Authority on Development meeting, I welcome the support of the Authority's member States to the Somali peace process and transitional federal institutions. My Special Representative will continue to work with the Inter-Governmental Authority on Development to ensure consistent international support to the Somali peace process.

97. The United Nations and the broader international community, especially Somalia's neighbours, stand ready to assist the parties in any way possible and not only to consolidate the gains they have so painstakingly made. In this connection, I welcome the efforts of the International Contact Group on Somalia, which met in Djibouti on the margins of the September round of discussions on the reconciliation process and reaffirmed its readiness to support the implementation of the Djibouti agreement. Progress on the political situation, coupled with improvements in the security environment, will pave the way for the meaningful delivery of much needed humanitarian assistance. This will also create an environment that is conducive to the relocation of the United Nations to Somalia, plans for which are already in place.

98. The deterioration of the security situation, particularly in the south-central regions of the country, poses an immense challenge, not only to the ongoing efforts at reconciliation, but also to the delivery of humanitarian aid and stability in the region. I welcome the commitment of the parties to establish a mechanism to facilitate and support the delivery of humanitarian assistance in Somalia. The United Nations stands ready to provide assistance in this regard.

99. I am, however, deeply concerned about the threats issued by some groups to attack aircraft that operate in and out of Mogadishu International Airport. I call upon armed groups to desist from imposing measures that disrupt air traffic to Somalia and thereby impede the freedom of the people of Somalia to travel in and out of the country.

100. I pay tribute to all the organizations and personnel involved in the delivery of humanitarian assistance to the people of Somalia, as they continue to discharge their noble duties in an extremely dangerous and stressful environment. I wish to assure them that the international community is fully aware of the perseverance and the immense sacrifices they make in an effort to better the lives of many suffering people in Somalia.

101. I welcome Security Council resolutions 1816 (2008) and 1838 (2008) on piracy and armed robbery at sea, in which the Council called upon Member States with the capability in the region to work together, in cooperation with the Transitional Federal Government, to deter piracy and armed robbery at sea. I commend the efforts made by Canada, Denmark, France, the Netherlands and the North Atlantic Treaty Organization to provide naval escorts for humanitarian vessels, and call upon other Governments to provide similar assistance. I also commend the decision of the European Union to establish a coordination mechanism to facilitate the orderly support by Member States to provide escorts for humanitarian vessels and I call upon other Member States to join in this effort. I

welcome the decisions of the Governments of India and the Russian Federation to cooperate with the Transitional Federal Government of Somalia to fight piracy and armed robbery against ships. I call upon the international community to also address, in a pragmatic and effective manner, the legal issues relating to persons apprehended while engaged in acts of piracy and armed robbery against ships. In this regard, the United Nations will continue to work with the International Maritime Organization to monitor the implementation of resolutions 1816 (2008) and 1838 (2008).

102. The African Union Mission in Somalia continues commendably to play a stabilization role in Somalia, particularly in Mogadishu. Its troops deserve our support and encouragement and I condemn any attacks against them. The agreement on the cessation of armed confrontation signed in October places specific responsibilities on AMISOM. I therefore renew my call upon Member States that have pledged troops to AMISOM to deploy their contingents without any further delay. I also call upon the international community to provide financial and logistical support to strengthen AMISOM for the effective execution of its responsibility under the agreement on the cessation of armed confrontation. I welcome the recent deployment by the Government of Burundi of a second battalion of troops to augment the AMISOM forces.

103. Drawing from the past experience of the United Nations in Somalia, I am concerned that the international community's strategy for addressing the multiple threats to regional stability and international peace and security that emanate from Somalia be coherent. It will therefore be imperative to tie together the ongoing anti-piracy operation, the AMISOM operations and the envisaged multinational force in a coordinated effort that effectively addresses both the consequences and the source of the lawlessness in Somalia, which has become a serious threat to international peace and security. As current conditions are not conducive to a United Nations peacekeeping operation, I appeal to Member States to respond positively to my request and pledge troops, funds and equipment for a multinational force.

104. Finally, I would like to express my deep appreciation to my Special Representative for Somalia, who continues to work tirelessly to advance the cause of peace and reconciliation among the people of Somalia. I also pay tribute to all the personnel, both national and international staff, who are working under difficult conditions in the interest of peace. I call upon the Somali parties and Member States to continue to provide support and cooperation to my Special Representative.

United Nations S/2008/710

Security Council

Distr.: General
17 November 2008

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, in particular resolution 733 (1992), resolution 751 (1992), resolution 1356 (2001), resolution 1425 (2002), resolution 1519 (2003), resolution 1676 (2006), resolution 1725 (2006), resolution 1744 (2007), resolution 1772 (2007), resolution 1801 (2008), resolution 1811 (2008), and resolution 1814 (2008), and the statements of its President, in particular those of 13 July 2006 (S/PRST/2006/31), 22 December 2006 (S/PRST/2006/59), 30 April 2007 (S/PRST/2007/13), and 14 June 2007 (S/PRST/2007/19), and recalling also its resolution 1730 (2006) on general issues relating to sanctions,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Underlining the importance of providing and maintaining stability and security throughout Somalia,

Reaffirming its condemnation of all acts of violence in Somalia and incitement to violence inside Somalia, and *expressing* its concern at all acts intended to prevent or block a peaceful political process,

Expressing its grave concern over the recent increase in acts of piracy and armed robbery at sea against vessels off the coast of Somalia, and noting the role piracy may play in financing embargo violations by armed groups, as described in the statement of 9 October 2008 by the Chairman of the Committee established pursuant to resolution 751 (1992) (hereinafter "the Committee") to the Security Council,

Emphasizing the continued contribution made to Somalia's peace and security by the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007), and *reiterating* its demand that all Member States, in particular those in the region, comply fully with the requirements of these resolutions,

Recalling its intention, outlined in paragraph 6 of resolution 1814 (2008), to take measures against those who seek to prevent or block a peaceful political process, or those who threaten the Transitional Federal Institutions (TFIs) of

08-61118 (E) 201108

Somalia or the African Union Mission in Somalia (AMISOM) by force, or take action that undermines stability in Somalia or the region,

Further recalling its intention to strengthen the effectiveness of the United Nations arms embargo on Somalia, outlined in paragraph 7 of resolution 1814 (2008), and to take measures against those who breach the arms embargo, and those who support them in doing so,

Recalling also its request, outlined in paragraphs 6 and 7 of resolution 1814 (2008), to the Committee to provide recommendations on specific targeted measures to be imposed against such individuals or entities,

Taking note of the letter of 1 August 2008 from the Vice-Chairman of the Committee to the President of the Security Council,

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

2. *Decides* that the measures imposed by paragraph 1 above shall not apply:

(a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or

(b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region;

3. *Decides* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee pursuant to paragraph 8 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities;

4. *Decides* that the measures imposed by paragraph 3 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic

resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 3 above, and has been notified by the relevant State or Member States to the Committee;

5. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 3 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

6. *Reaffirms* the general and complete arms embargo against Somalia imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007);

7. *Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 8 below;

8. *Decides* that the provisions of paragraphs 1, 3 and 7 above shall apply to individuals, and that the provisions of paragraphs 3 and 7 above shall apply to entities, designated by the Committee:

(a) as engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFIs or AMISOM by force;

(b) as having acted in violation of the general and complete arms embargo reaffirmed in paragraph 6 above;

(c) as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

9. *Decides* that the measures outlined in paragraphs 1, 3 and 7 above cease to apply in respect of such individuals or entities if, and at such time as the Committee removes them from the list of designated individuals and entities;

10. *Underlines* the importance of coordination by the Committee with other United Nations Sanctions Committees and with the Special Representative of the Secretary-General;

11. *Decides* further to expand the mandate of the Committee as set out in resolution 751 (1992) to include the following tasks:

(a) to monitor, with the support of the Monitoring Group established pursuant to resolution 1519 (2003), implementation of the measures imposed in paragraphs 1, 3 and 7 above, in addition to the general and complete arms embargo reaffirmed in paragraph 6 above;

(b) to seek from all Member States, in particular those in the region, information regarding the actions taken by them to implement effectively the measures imposed by paragraphs 1, 3 and 7 above and whatever further information it may consider useful in this regard;

(c) to examine information regarding alleged violations of measures imposed by paragraphs 1, 3 and 7 above, paragraph 5 of resolution 733 (1992) and paragraphs 1 and 2 of resolution 1425 (2002), and take appropriate action if necessary;

(d) to designate individuals and entities pursuant to paragraphs 3 and 8 above, upon the request of Member States as referred to in paragraph 12 below;

(e) to consider and decide upon requests for exemptions set out in paragraphs 2 and 4 above;

(f) to review regularly the list of individuals and entities designated by the Committee pursuant to paragraphs 3 and 8 above, with a view to keeping the list as updated and accurate as possible and to confirm that listing remains appropriate, and to encourage Member States to provide any additional information whenever such information becomes available;

(g) to report at least every 120 days to the Security Council on its work and on the implementation of this resolution, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraphs 1, 3 and 7 above;

(h) to identify possible cases of non-compliance with the measures pursuant to paragraphs 1, 3, and 7 above and to determine the appropriate course of action on each case, and requests the Chairman, in periodic reports to the Council pursuant to paragraph 11 (g) above to provide progress reports on the Committee's work on this issue;

(i) to amend its existing guidelines to facilitate the implementation of the measures imposed by this resolution and keep these guidelines under active review as may be necessary;

Listing

12. *Encourages* Member States to submit to the Committee for inclusion on its list of designees, names of individuals or entities who meet the criteria set out in paragraph 8 above, as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities or individuals or entities acting on behalf of or at the direction of the submitted entities;

13. *Decides* that, when proposing names to the Committee for listing, Member States shall provide a detailed statement of case, together with sufficient identifying information to allow for the positive identification of individuals and

entities by Member States, and *decides further* that for each such proposal Member States shall identify those parts of the statement of case that may be publicly released, including for use by the Committee for development of the summary described in paragraph 14 below or for the purpose of notifying or informing the listed individual or entity, and those parts which may be released upon request to interested States;

14. *Directs* the Committee in coordination with the relevant designating States and with the assistance of the Monitoring Group, after a name is added to the list, to make accessible on the Committee's website a narrative summary of reasons for listing;

15. *Decides* that the Secretariat shall, after publication but within one week after a name is added to the list of individuals and entities, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known) and to include with this notification a copy of the publicly releasable portion of the statement of case, any information on reasons for listing available on the Committee's website, a description of the effects of designation, the Committee's procedures for considering delisting requests, and the provisions regarding available exemptions;

16. *Demands* that Member States receiving notification as in paragraph 15 above take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the listed individual or entity of the designation, together with the information provided by the Secretariat as set out in paragraph 15 above;

17. *Encourages* Member States receiving notification as in paragraph 15 above to inform the Committee on steps they have taken to implement the measures set out in paragraphs 1, 3 and 7 above;

De-listing

18. *Welcomes* the establishment within the Secretariat of the Focal Point, pursuant to resolution 1730 (2006), that provides listed individuals, groups, undertakings or entities with the option to submit a petition for de-listing directly to the Focal Point;

19. *Urges* designating States and States of citizenship and residence to review de-listing petitions received through the Focal Point, in accordance with the procedures outlined in the annex to resolution 1730 (2006), in a timely manner and to indicate whether they support or oppose the request in order to facilitate the Committee's review;

20. *Directs* the Committee to consider requests, in accordance with its guidelines, for the removal from the Committee's list of designees those who no longer meet the criteria pursuant to this resolution;

21. *Decides* that the Secretariat shall, within one week after a name is removed from the Committee's list of designees, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), and demands that States receiving such notification take

measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the de-listing in a timely manner;

22. *Encourages* the Committee to ensure that fair and clear procedures exist for placing individuals and entities on the Committee's list of designees and for removing them as well as for granting humanitarian exemptions;

23. *Decides* that the mandate of the Monitoring Group, as set out in paragraph 3 of resolution 1811 (2008) shall also include the tasks outlined below:

(a) to assist the Committee in monitoring implementation of this resolution by providing any information on violations, of the measures imposed in paragraphs 1, 3 and 7 above, in addition to the general and complete arms embargo reaffirmed in paragraph 6 above;

(b) to include in its reports to the Committee any information relevant to the Committee's designation of the individuals and entities described in paragraph 8 above;

(c) to assist the Committee in compiling narrative summaries referred to in paragraph 14 above;

24. *Reminds* all Member States of their obligation to implement strictly the measures imposed by this and all relevant resolutions;

25. *Decides* that all Member States shall report to the Committee within 120 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 1 to 7 above;

26. *Decides* to review the measures outlined in paragraphs 1, 3 and 7 above, within 12 months;

27. *Decides* to remain actively seized of the matter.

United Nations S/2008/711

Security Council

Distr.: General
17 November 2008

Original: English

Letter dated 13 November 2008 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the Counter-Terrorism Committee Executive Directorate, which was established pursuant to Security Council resolution 1535 (2004) and extended for the period ending 31 December 2010 by Security Council resolution 1805 (2008).

Following the usual consultations, I would like to inform you that I intend to extend the appointment of Mike Smith (Australia) as Executive Director of the Counter-Terrorism Committee Executive Directorate through 31 December 2009.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-60642 (E) 181108

United Nations S/2008/712

Security Council

Distr.: General
17 November 2008
English
Original: Spanish

Letter dated 17 November 2008 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 13 November 2008 (S/2008/711) concerning the Counter-Terrorism Committee Executive Directorate, established pursuant to Security Council resolution 1535 (2004), and your intention to extend for a further year, until 31 December 2009, the appointment of Mr. Mike Smith (Australia) as Executive Director of the Directorate has been brought to the attention of the members of the Security Council. They approve the recommended extension.

(*Signed*) Jorge **Urbina**
President of the Security Council

08-60635 (E) 181108 181108

United Nations S/2008/713

Security Council

Distr.: General
17 November 2008

Original: English

Letter dated 13 November 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Please find attached the five decisions issued by the Sudanese Minister of Justice in connection with the legal process concerning Darfur as follows:

1. The appointment of the Special Prosecutor to investigate the alleged crimes committed in Darfur (annex I).
2. The establishment of the Committee of the Wise in South Darfur State (annex II).
3. The establishment of the Committee of the Wise in North Darfur State (annex III).
4. The establishment of the Committee of the Wise in West Darfur State (annex IV).
5. The establishment of the High-level National Committee to assist the Special Prosecutor (annex V).

I should be grateful if the present letter and its annexes were issued as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

08-60730 (E) 201108 211108

Annexes to the letter dated 13 November 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Annex I

[Original: Arabic]

3 August 2008

Decision of the Minister of Justice appointing a Special Prosecutor for the crimes committed in Darfur

Pursuant to the provisions of article 6 of the regulations of the Ministry of Justice of 1983 the following decision is promulgated:

1. Name and entry into force of the decision.

The decision shall be known as the "Decision appointing the Special Prosecutor for the crimes committed in Darfur"; it shall enter into force on the date of its signature.

2. Nimr Ibrahim Muhammad, General Counsel, is hereby appointed as Special Prosecutor for the crimes committed in Darfur during the period from 2003 onwards. He shall be assisted by a Committee comprising the following persons:

(a) Kamal Mahjub Ahmad, Senior Counsel

(b) Hadi Mahjub Makkawi, Senior Counsel

(c) Ma'mun Maki Hamid, Senior Counsel

3. The Special Prosecutor for the crimes in Darfur may seek assistance from whoever he deems appropriate.

4. The Special Prosecutor for the crimes in Darfur and his assistants shall investigate the crimes committed in Darfur and shall bring prosecutions in respect of them before the courts.

5. The Special Prosecutor for the crimes in Darfur shall submit a detailed report to the Prosecutor General of the Republic of the Sudan every month setting forth the status of the cases, the proceedings and the action taken.

Issued under my signature on 1 Sha'ban A.H. 1429 (3 August A.D. 2008)

(*Signed*) Abdulbasit **Sabdarat**
Minister of Justice

Annex II

[Original: Arabic]

16 September 2008

Decision No. 20 of 2008 of the Minister of Justice establishing the Committee of the Wise in South Darfur State to assist the Special Prosecutor for the crimes committed in the Darfur States

With reference to the decision of the Minister of Justice appointing a Special Prosecutor for the crimes committed in the Darfur States dated 3 August 2008, the following decision is promulgated:

I. Name and entry into force of the decision

1. The decision shall be known as the "Decision establishing the Committee of the Wise in South Darfur to assist the Special Prosecutor for the crimes committed in the Darfur States"; it shall enter into force on the date of its signature.

II. Establishment of the Committee

2. The Committee is established as follows:

1. Abdel Hafeez Muhammad Ahmad Darnki — Chairman
2. Dhou Muhammad Dhou
3. Muhammad Al-Hasan Yahya
4. Omar Suleiman Adam
5. Hasan Omar Bakhit
6. Azzedin Al-Tahir Al-Hubub
7. Jamal Adam Musa
8. Muhammad Isa Abkam
9. Musa Abdullah Tirab
10. Ali Abdulrahman Ali Isa — Rapporteur
11. Shertai Abkar Isa Harun Kursa
12. Abd Al-Majid Suleiman Hamid
13. Khamis Abkar

3. After consulting the Minister of Justice, the Committee may seek assistance from such persons as it deems appropriate.

III. Terms of reference of the Committee

4. Without prejudice to the competence and powers of the Special Prosecutor for the crimes committed in the Darfur States, the Committee shall have the following functions:

(a) Receiving the complaints of citizens and referring them to the Special Prosecutor for the Darfur crimes;

(b) Facilitating the access of victims and witnesses to the Special Prosecutor for the Darfur crimes with respect to the crimes falling within his competence;

(c) Making a preliminary listing of the material damage suffered by citizens and forwarding it to the Special Prosecutor for the Darfur crimes for his decision thereon;

(d) Taking into consideration the reconciliations, payment of blood money and settlements connected with the said complaints in order to mend the social fabric in Darfur.

IV. Headquarters of the Committee

5. The headquarters of the Committee shall be in the city of Niyala in South Darfur State.

Issued under my signature on 16 Ramadan A.H. 1429 (16 September A.D. 2008).

(*Signed*) Abdulbasit **Sabdarat**
Minister of Justice

Annex III

[Original: Arabic]

16 September 2008

Decision No. 21 of 2008 of the Minister of Justice establishing the Committee of the Wise in North Darfur State to assist the Special Prosecutor for the crimes committed in the Darfur States

With reference to the decision of the Minister of Justice appointing a Special Prosecutor for the crimes committed in the Darfur States dated 3 August 2008, the following decision is promulgated:

I. Name and entry into force of the decision

1. The decision shall be known as the "Decision establishing the Committee of the Wise in North Darfur to assist the Special Prosecutor for the crimes committed in the Darfur States"; it shall enter into force on the date of its signature.

II. Establishment of the Committee

2. The Committee is established as follows:

1. Nazir (Chief) Al-Sadiq Abbas — Chairman
2. Sheikh Ibrahim Abdullah Giadalla
3. Malik (King) Dawud Salim Taqir
4. Mr. Bush Al-Dharif Abukalam
5. His Honour Talha Hasan Talha — Rapporteur
6. Ya'qub Khamis Amir
7. Dr. Musa Ali
8. Dr. Abdullah Musa
9. Ustad Said Muhammad Mahmud
10. Ali Muhammad Ahmad Al-Alla
11. Sheikh Farah Ibrahim Muhammad
12. Al-Malik Sharif Adam Tahir
13. Shertai Al-Sijani Muhammad Salih Mandi
14. Ustad Abdulkarim Muhammad Turkawi
15. Malik (King) Saif Al-Din Abdullah Ribqa

3. After consulting the Minister of Justice, the Committee may seek assistance from such persons as it deems appropriate.

III. Terms of reference of the Committee

4. Without prejudice to the competence and powers of the Special Prosecutor for the crimes committed in the Darfur States, the Committee shall have the following functions:

(a) Receiving the complaints of citizens and referring them to the Special Prosecutor for the Darfur crimes;

(b) Facilitating the access of victims and witnesses to the Special Prosecutor for the Darfur crimes with respect to the crimes falling within his competence;

(c) Making a preliminary listing of the material damage suffered by citizens and forwarding it to the Special Prosecutor for the Darfur crimes for his decision thereon;

(d) Taking into consideration the reconciliations, payment of blood money and settlements connected with the said complaints in order to mend the social fabric in Darfur.

IV. Headquarters of the Committee

5. The Headquarters of the Committee shall be in the city of Al-Fasher in North Darfur State.

Issued under my signature on 16 Ramadan A.H. 1429 (16 September A.D. 2008).

(*Signed*) Abdulbasit **Sabdarat**
Minister of Justice

Annex IV

[Original: Arabic]

16 September 2008

Decision No. 22 of 2008 of the Minister of Justice establishing the Committee of the Wise in West Darfur State to assist the Special Prosecutor for the crimes committed in the Darfur States.

With reference to the decision of the Minister of Justice appointing a Special Prosecutor for the crimes committed in the Darfur States dated 3 August 2008, the following decision is promulgated:

I. Name and entry into force of the decision

1. The decision shall be known as the "Decision establishing the Committee of the Wise in West Darfur to assist the Special Prosecutor for the crimes committed in the Darfur States"; it shall enter into force on the date of its signature.

II. Establishment of the Committee

2. The Committee is established as follows:

1. Sultan Abd Al-Rahman Bahr al-Din — Chairman
2. Sultan Hashim Othman Hashim
3. Dingngawi Fadhl Saifi
4. Farsha Abdullah Abkar Al-Zeer
5. Farsha Qatir Ahmad Mahdi
6. Mayor Al-Zeer Khamis Ibrahim
7. Mayor Muhammad Hamdan Labid
8. Mr. Nur Al-Din Idris — Rapporteur
9. Adam Abdullah Al-Nur
10. Hamid Al-Dawdu Al-Hijaz
11. Shertai Adam Muhammad Yakhit
12. Emir Husain Said Al-Halu
13. Ishaq Fadhl Ashr
14. Muhammad Adam Ali Azz Al-Din
15. Zakaria Khatir

3. After consulting the Minister of Justice, the Committee may seek assistance from such persons as it deems appropriate.

III. Terms of reference of the Committee

4. Without prejudice to the competence and powers of the Special Prosecutor for the crimes committed in the Darfur States, the Committee shall have the following functions:

(a) Receiving the complaints of citizens and referring them to the Special Prosecutor for the Darfur crimes;

(b) Facilitating the access of victims and witnesses to the Special Prosecutor for the Darfur crimes with respect to the crimes falling within his competence;

(c) Making a preliminary listing of the material damage suffered by citizens and forwarding it to the Special Prosecutor for the Darfur crimes for his decision thereon;

(d) Taking into consideration the reconciliations, payment of blood money and settlements connected with the said complaints in order to mend the social fabric in Darfur.

IV. Headquarters of the Committee

5. The Headquarters of the Committee shall be in the city of El Geneina in West Darfur State.

Issued under my signature on 16 Ramadan A.H. 1429 (16 September A.D. 2008).

(*Signed*) Abdulbasit **Sabdarat**
Minister of Justice

Annex V

[Original: Arabic]

16 September 2008

Decision No. 23 of 2008 of the Minister of Justice establishing the High-level National Committee to assist the Special Prosecutor for the crimes committed in the Darfur States

With reference to the decision of the Minister of Justice appointing a Special Prosecutor for the crimes committed in the Darfur States dated 3 August 2008, the following decision is promulgated:

I. Name and entry into force of the decision

1. The decision shall be known as the "Decision establishing the High-level Committee to assist the Special Prosecutor for the crimes committed in the Darfur States"; it shall enter into force on the date of its signature.

II. Establishment of the Committee

2. The Committee is established as follows:

1. His Honour Muhammad Said Abkam — Chairman
2. Dr. Ahmad Ibrahim Abu Yasin
3. Dr. Ezzeddine Al-Tayyib Adam
4. General Abdul Baqi Al-Bashari Abdulhai
5. Mr. Abdullah Ali Giadallah
6. Mr. Edward Riadh
7. Mr. Abdulrahim Muhammad Salih
8. Ustad Ibrahim Abdul Quyum
9. Mr. Fadlallah Muhammad
10. Mr. Hatim Al-Wasila — Rapporteur
11. Dr. Amina Badri
12. Dr. Atiyyat Mustafa

III. Terms of reference of the Committee

3. Without prejudice to the competence and powers for the Special Prosecutor for the crimes committed in the Darfur States, the Committee shall have the following functions:

(a) Providing assurance as to the smooth functioning of the legal proceedings in the investigation concerning the cases initiated by the Special Prosecutor for the crimes committed in the Darfur States and scrutinizing those cases;

(b) Ensuring the protection of complainants and witnesses and safeguarding them from any coercion;

(c) Coordinating with the Committees of the Wise in the Darfur States with a view to attaining the objectives and meeting the needs of those Committees and ensuring good cooperation between them.

IV. Headquarters of the Committee

4. The Ministry of Justice shall be the headquarters of the High-level National Committee.

Issued under my signature on 16 Ramadan A.H. 1429 (16 September A.D. 2008).

(*Signed*) Abdulbasit **Sabdarat**
Minister of Justice

United Nations S/2008/714

Security Council

Distr.: General
18 November 2008

Original: English

Letter dated 17 November 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

It gives me great pleasure to enclose herewith for your information and through you to members of the Security Council the agreed outcomes of the Tripartite Committee meeting, comprising the Government of the Sudan, the African Union and the United Nations, held in Khartoum on 16 November 2008. The outcomes demonstrate the commitment of the Government of the Sudan to the full deployment of the African Union-United Nations Hybrid Operation in Darfur (see annex).

I would be grateful if the present letter and its annex were issued as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

08-60907 (E) 201108

Annex to the letter dated 17 November 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Government of the Sudan, African Union and United Nations Tripartite Committee on the African Union-United Nations Hybrid Operation in Darfur

16 November 2008, Khartoum

Agreed Outcomes

1. On 16 November 2008 representatives from the Government of Sudan (GoS), the African Union (AU), and the United Nations (UN) the met in Khartoum to conduct the second Tri-partite Committee Meeting on UNAMID. The meeting focused on logistical issues relating to UNAMID deployment and the steps taken by the AU UN and Government to ensure its expeditious deployment and effective functioning.

2. The Government team included representatives from Ministries of Foreign Affairs, Interior, Defense, National Security and the Sudanese Civil Aviation Authority, and was led by Dr. Mutrif Siddiq, Under Secretary for the Ministry of Foreign Affairs; and Sudan Railways. The African Union Commission delegation was led by Mr. Germain Baricako, the Senior Advisor for AMIS Liquidation/AU Liaison Office in Khartoum. The United Nations delegation was led by Under-Secretary-General for Field Support, Ms. Susana Malcorra; and the UNAMID delegation was led by the Joint Special Representative, Mr. Rodolphe Adada.

3. The meeting which was convened in the spirit of transparency and collaboration reviewed the actions taken in follow-up to the agreements reached in the last Tri-partite Meeting of 7 October 2008. The following issues were discussed:

i. Freedom of Movement:

- White helicopters: On 14 October 2008, the Government of Sudan instructed the Armed Forces and Civil Aviation Authorities to ensure that Government helicopters and those used by Governmental and commercial contractors are clearly distinct from those used by international actors. This instruction became effective on 25 October 2008. Since the issuance of the circular, UNAMID has not observed any incident reporting the use of white helicopters by non-international actors. The Government requested that UNAMID bring any violation of this decision to its attention.

- Helicopter crash investigation of 29 September 2008: The Government of Sudan has agreed to follow-up the request for ICAO to assist in reviewing the circumstances

surrounding the helicopter crash operated by UNAMID contractor on 29 September 2008.

- Threat notification: The UN and UNAMID noted with satisfaction that the Government has shared information on security threats with UNAMID.

ii. Air operations:

- Rehabilitation of airports: The Government of Sudan called for the review of the relevant Memorandum of Understanding (MoU) presented by UNAMID; specifically with respect to the need to: a) UNAMID accepting liabilities of potential relevant damages to airports; and b) timelines and specific plans for upgrading airports.

- With a view to reach the 24/7 service target, the GoS and UNAMID agreed to outline clear milestones for the phased upgrade of airports and to discuss the question of liabilities in the joint review of the MoU to ensure a clear way forward in terms of timelines and deliverables.

- Receipt of Ethiopian helicopters: UNAMID informed the Government of Sudan that the Ethiopian helicopters might be deployed sooner than previously anticipated, calling for a requirement for the Civil Aviation Authority to work with UNAMID to cater for interim arrangements. The Government of Sudan agreed to work jointly with UNAMID to prepare for the deployment of the Ethiopian helicopters.

iii. Flight Clearances:

- Flight clearances: UNAMID and the UN expressed its satisfaction with the support provided during the deployment of COE for the Pakistani level III hospital and trust that the same effective coordination and support will be provided for the planned Rwandan and other forthcoming deployments.

- Request for exception to the Government's ban on operating aircraft older than twenty years (one C130 in Sudan because it is the only aircraft that can land in El-Genina and there is no other available commercial options): The Government of Sudan agreed, in principle, to grant the exception, with the understanding that the United Nations takes appropriate measures with regards to the safety standards of these aircrafts and accepts associated potential liabilities. The United Nations reiterated its commitment and adherence to international aviation safety and security standards and agreed to share the United Nations aviation safety policies and procedures with the Government of Sudan. In addition, the parties agreed that UNAMID engage the Civil Aviation Authority to ensure that aviation safety and security standards are met, that the liability questions are properly addressed and that this critical aircraft is deployed.

iv. Convoy Protection/ Support

- The UNAMID expressed its satisfaction with the level of convoy protection provided by the Government of Sudan. Although not a prerequisite for continued support of convoy protection, the Government of Sudan requested that the United Nations explore the feasibility of strengthening and building capacity for police. The United Nations agreed to explore this request and will revert as soon as possible.

- The Government of Sudan reiterated its recommendation that UNAMID minimize the risk of theft or carjack of vehicles through a rigorous and transparent screening process in the selection of drivers to ensure professionalism and impartiality. That point was broadened to include all recruitment of national staff. UNAMID agreed to coordinate with Sudanese Security Authorities to ensure that potential drivers do not have criminal records. With regards to the recruitment of national staff, UNAMID took note of the views expressed, and reiterated its adherence to United Nations recruitment policies that mandate fair and transparent selection processes for all potential candidates from all groups.

v. Railway

- The United Nations confirmed receipt of the Government of Sudan's proposals for the rehabilitation of portions of the railway (Al-Rahad - Nyala). UNAMID is assessing the extent of the support it could provide based upon the advice of external expertise.

vi. Visa Processing

- The United Nations noted the significant progress made on the processing of visas. UNAMID and GoS agreed to further streamline the process by ensuring that all visa requests, including those of police and military components, be channeled to the Government of Sudan only through UNAMID.

vii. Customs Clearance

- Arrangements have been satisfactory.

viii. Government Liaison

- The United Nations and African Union noted with appreciation, the appointment of Major General Mohiey Al-Deen Abdulkafi and of focal points in each of the three Darfur states, as central to the progress made in the coordination between UNAMID and the Government of Sudan. The GoS and UNAMID look forward to further strengthening liaison in ensuring local implementation of decisions taken at a national level.

ix. Military deployments

- The United Nations, the African Union and the Government of Sudan reiterated their joint support for the self-deployment of the second Egyptian and Ethiopian battalions.

4. In addition to the above issues, the following were introduced:

x. Medical Evacuation:

- UNAMID requested one helicopter to be deployed in each of the super camps in order to respond faster to Medical Evacuations. The Government agreed in principal to the proposal, and requested UNAMID to work with the relevant officials to develop the necessary implementation protocol.

xi. Frequency for UNAMID radio

- UNAMID is seeking allocation of a frequency for broadcast radio system for Darfur. The Government agreed to meet with UNAMID to discuss.

5. The Government requested UNAMID to ensure that its personnel respect the religion as well as the local culture and traditions in Darfur. UNAMID took note of the Government of Sudan's observation and reiterated its commitment to respecting the local culture and tradition, emphasizing the UN' robust policy for discouraging and addressing misconduct in its Field Missions.

6. The Government recalled the principle of the African character of the Mission and observed that this principle should apply to the civilian component. The African Union concurred. UNAMID will share with the GoS information as regards the geographical situation of its civilian staff.

7. It was agreed that the next Tri-partite meeting would be held in Addis Ababa sometime during the second week of January of 2009. The confirmation of the exact date and arrangements for the third Tri-partite meeting, as well as the agenda preparation will be developed in advance by UNAMID.

8. In concluding the meeting, the Government, the African Union and the UN took note of the progress made towards resolving the key support issues tabled for action during the First Tripartite Meeting held on 7 October 2008. In this connection, the delegations reiterated the importance of the tri-partite mechanism and of conducting said meetings on regular basis to expedite the deployment of UNAMID.

(*Signed*) For the Government of Sudan
Dr. Mutrif **Siddiq**

(*Signed*) For the African Union
Germain **Baricako**

(*Signed*) For the United Nations
Ms. Susana **Malcorra**

United Nations S/2008/715

Security Council

Distr.: General
18 November 2008

Original: English

Report of the Secretary-General on the implementation of Security Council resolution 1701 (2006)

I. Introduction

1. This is the eighth report of the Secretary-General on the implementation of Security Council resolution 1701 (2006). It provides a comprehensive assessment of the steps taken to implement the resolution since the previous report of the Secretary-General was issued on 27 June 2008 (S/2008/425). The report also contains proposals for measures that could be undertaken by the parties to move closer to a permanent ceasefire and a long-term solution between Israel and Lebanon.

2. I am pleased to report that all parties continue to express their support for and commitment to resolution 1701 (2006). However, further progress in the implementation of the resolution is increasingly overdue. The parties must make greater efforts to resolve the pending issues described in the present report that hinder a permanent ceasefire between Lebanon and Israel. Achieving this will require the determination and political will of all parties to the conflict, as well as continued strong international support.

3. The political climate in Lebanon has improved in the past months, thanks to the implementation of the elements of the agreement reached by Lebanese leaders in Doha on 21 May. The election of President Suleiman on 25 May, the subsequent formation of a Government of national unity and the launching of a National Dialogue have led to a greater degree of stability in the country.

4. In spite of these positive developments, a number of serious security incidents continued to threaten Lebanon's stability. While Lebanese leaders and institutions have reacted swiftly to contain violence and investigate those incidents, they still constitute a stark reminder of the fragility of the gains made as a result of political agreements.

5. During the reporting period, the political situation in Israel has been marked by a degree of uncertainty. On 28 October, the Knesset agreed that it would dissolve. Israeli President Shimon Peres has called new elections, which will be held on 10 February 2009.

6. The cessation of hostilities between Israel and Lebanon continued to hold and the military and security situation in the area of operations of the United Nations Interim Force in Lebanon (UNIFIL) remained generally quiet. The parties continued

08-60833 (E) 241108

to respect the Blue Line in general. UNIFIL maintained close liaison and coordination with the parties, through both the tripartite mechanism and bilateral contacts. UNIFIL and the Lebanese Armed Forces worked together closely to ensure that the area of operations was not utilized for hostile activities of any kind and was free of any unauthorized armed personnel, assets and weapons.

7. The reporting period saw notable progress with regard to Lebanon's relations with its neighbours that have a direct bearing on the implementation of resolution 1701 (2006). On 16 July, an exchange of prisoners and the remains of combatants killed in action took place between Hizbullah and Israel, bringing an end to a long and arduous negotiation facilitated by the United Nations. On 15 October, Lebanon and the Syrian Arab Republic agreed to establish diplomatic relations, effective immediately, and to work together on a number of issues of common concern, including border delineation and border security.

II. Implementation of Security Council resolution 1701 (2006)

A. Respect for the Blue Line

8. The parties generally maintained respect for the Blue Line, apart from the area of Ghajar, where the Israel Defense Forces still occupy the part of the village and an adjacent area north of the Blue Line in violation of resolution 1701 (2006). In addition, intrusions into Lebanese airspace by Israeli aircraft and unmanned aerial vehicles continued in high numbers in violation of Lebanese sovereignty and resolution 1701 (2006), which UNIFIL protested as such. The Government of Lebanon continued to protest these overflights, which the Government of Israel maintained were necessary security measures, citing alleged lack of enforcement of the arms embargo.

9. Control by the Israel Defense Forces of northern Ghajar continued to be a source of tension. On 22 August, the Government of Lebanon informed the Force Commander of its readiness to accept the UNIFIL proposal (see S/2008/425, para. 14) to facilitate the withdrawal of the Israel Defense Forces from the area, on the condition that the Government of Israel agreed to the proposal within three months, and that a date for the eventual Israeli withdrawal be established. UNIFIL has invested considerable efforts in mediating the current proposal between the parties and I hope that the Government of Israel will endorse it.

10. On two separate occasions, Lebanese and Israeli civilians were involved in smuggling illegal substances across the Blue Line. On 6 September, the Israel Defense Forces apprehended three Israeli civilians and recovered 55 kilograms of heroin in the vicinity of the Blue Line opposite the general area of Rmeich (Sector West). They also apprehended a Lebanese civilian in possession of a pistol, drugs and $650,000 south of the Blue Line. On 8 September, a UNIFIL patrol intercepted three Lebanese civilians who were found searching the ground near the location of the incident. Subsequently, the Lebanese Armed Forces apprehended them for interrogation on suspicion of being accomplices. In the second incident, on 5 October, the Israel Defense Forces detained a Lebanese civilian in possession of packages of hashish south of the Blue Line near Ghajar. In response to these violations of the Blue Line, UNIFIL increased its patrols in the affected areas.

11. There were also a small number of ground violations by local shepherds, mainly in the Shab'a Farms area. On 2 July, the Israel Defense Forces detained a Lebanese shepherd in the Shab'a Farms area for allegedly having crossed the Blue Line. He was handed over later the same day to UNIFIL, which in turn handed him over to the Lebanese Armed Forces. The UNIFIL investigation could not confirm or refute the allegation that he had crossed the Blue Line.

12. Progress on the pilot project to visibly mark a 6-kilometre stretch of the Blue Line has been slow. After extensive field work and discussions at both the bilateral level and in the tripartite forum, the parties reached agreement on a further seven points to be marked. This brings the total number of agreed points to 16, 9 of which are marked by Blue Line barrels. The parties also agreed on an additional 4-kilometre stretch to extend the pilot project. UNIFIL recently proposed a new plan to accelerate the process, which has been accepted by both parties.

13. Investigations into the two rocket attacks against Israel of 17 June 2007 and 8 January 2008 have not yielded any new information. It is important that the Lebanese authorities continue their efforts to identify the perpetrators and bring them to justice

B. Security and liaison arrangements

14. The tripartite meetings of the UNIFIL Force Commander with the senior representatives of the Lebanese Armed Forces and the Israel Defense Forces remained a vital forum in which to address key security and military operational issues, including violations of resolution 1701 (2006) and the findings of UNIFIL investigations into incidents. That forum is an essential confidence-building mechanism between the parties and a central element of liaison and coordination; both parties continued to demonstrate their commitment to it.

15. UNIFIL and the Lebanese Armed Forces Senior Command have continued the strategic review sessions regarding military tasks carried out by the two Forces in the implementation of resolution 1701 (2006). The aim of the review is to intensify cooperation in operational activities, as well as expand the coordination and liaison procedures. At the last meeting, held on 21 October and co-chaired by the newly appointed Commander of the Lebanese Armed Forces, General Jean Kahwaji and the UNIFIL Force Commander, the level of cooperation achieved thus far was assessed and, in an effort to mitigate potential effects of the reduced Lebanese Armed Forces presence (see para. 18 below), the following measures were agreed: to conduct a joint review to enhance the effectiveness of the coordinated checkpoints; to increase regular vehicle checks in particular heavy vehicles, by the Lebanese Armed Forces, when crossing into the area of operations; to intensify efforts to curtail hunters, including launching an information campaign to raise public awareness that hunting and the carrying of weapons in the area of operations is prohibited; to expand liaison arrangements at all levels; and to review operating procedures between the UNIFIL Maritime Task Force and the Lebanese Navy.

16. Joint training exercises, aimed at enhancing the operational capacity of UNIFIL and the Lebanese Armed Forces, continued. UNIFIL and Lebanese maritime forces also continued their joint training programme. Integration of the Coastal Radar Organization into the surveillance and reporting system of the Maritime Task Force and Lebanese navy units is ongoing. The Maritime Task Force

also will assist in further institutionalizing naval training programmes at the Lebanese naval training institute. Continued material and technical support over the medium to long term to enable the Lebanese navy to gradually assume responsibilities currently undertaken by the Maritime Task Force remains a high priority.

17. Coordination and liaison with the Israel Defense Forces remained good and efficient. The UNIFIL Force Commander maintained close and productive relations with his Israel Defense Forces counterparts, as well as with other senior Israeli authorities. Most recently, he met with the Israeli Minister of Defense and the Israel Defense Forces Chief of Staff to discuss issues related to the UNIFIL mandate. UNIFIL maintains a liaison team with two officers at the Israel Defense Forces Northern Command headquarters in Zefat. The Israeli Government agreed to the establishment of the UNIFIL office in Tel Aviv in February 2007. In my last report, I noted that the discussions centred on the final modalities and technical aspects of the office and were expected to be concluded soon. A further discussion took place in early November, during which Israel revisited some conceptual issues regarding the office. Overall, there has been no substantial progress during this reporting period.

C. Situation in the UNIFIL area of operations

18. In late August, owing to the deterioration of the security situation elsewhere in the country, the Lebanese authorities informed the UNIFIL Force Commander that they needed to temporarily redeploy troops from southern Lebanon to strengthen the Lebanese Armed Forces presence in the north of the country. To ensure that a reduction of Lebanese troops in the south would not negatively affect the implementation of resolution 1701 (2006), the Lebanese political authorities and senior commanders of the Lebanese Armed Forces assured the UNIFIL Force Commander that the redeployment would be limited in scope, of short duration and balanced by further enhancements of the coordinated activities. At the beginning of September, the Lebanese Armed Forces redeployed one light infantry brigade from the south to the north. As a result of its internal reorganization, the Lebanese Armed Forces currently has deployed three brigades rather than four, with some 4,500 troops south of the Litani River. In addition to the measures agreed between UNIFIL and the Lebanese Armed Forces, UNIFIL independently established additional patrols to compensate for the temporary reduction of Lebanese Armed Forces troops. In the longer term, the capacity of the Lebanese Armed Forces in southern Lebanon will need to be strengthened, including through an increase in the number of troops. The Lebanese authorities have expressed the hope that the number of troops in southern Lebanon could be increased by the end of the year.

19. UNIFIL maintained 63 permanent positions and operated approximately 150 observation posts on a daily basis. UNIFIL troops also conducted up to 400 vehicle, foot and air patrols, day and night, during each 24-hour period throughout the area of operations, in both rural and urban areas. In addition, Lebanese Armed Forces troops operated on average more than 100 checkpoints and observation posts, as well as approximately 50 patrols per day. Together, UNIFIL and the Lebanese Armed Forces operated six co-located checkpoints on the Litani River, in addition to two such checkpoints elsewhere in the area of operations and four coordinated foot patrols along the Blue Line. The two Forces also have conducted seven counter-

rocket-launching operations each 24-hour period, both day and night, during which troops patrol a selected area by vehicle and on foot and establish temporary observation posts and checkpoints to stop and check vehicles and persons moving in the area. As agreed between the two Forces in April, the number of vehicle checks in the area of operations was increased. In this way, the combined presence of UNIFIL and the Lebanese Armed Forces ensured the effective control of the area of operations.

20. In their efforts to ensure that the area between the Litani River and the Blue Line is free of unauthorized armed personnel, assets and weapons, the Lebanese Armed Forces and UNIFIL continued to discover abandoned armed-element facilities, arms and ammunition, which, as in previous discoveries, dated back to the 2006 conflict or before. UNIFIL periodically checked former armed-element facilities and installations in the area of operations, including bunkers and caves, but has not found any indication that these have been reactivated. The Lebanese Armed Forces has indicated its intention to retain some of these facilities for use by the Armed Forces for defence purposes. The Lebanese Armed Forces destroyed or confiscated all arms and ammunition found south of the Litani River.

21. On 2 August, 12 civilians were observed by UNIFIL from a distance in the vicinity of Haris (Sector East) inside the garden of a private house under construction, firing at the ground with at least two weapons. The Lebanese Armed Forces were informed. Several vehicles that had left the scene were intercepted by UNIFIL and searched by the Lebanese Armed Forces. The Lebanese Armed Forces conducted an investigation at the house where the civilians had been observed using weapons but found nothing. On 20 August, a UNIFIL patrol observed five civilians inside a vehicle near a valley west of Bayt Lif (Sector West). After hearing gunfire from the direction of the valley, the patrol dispatched to the scene, where they found some empty rifle cartridges but did not locate any persons with weapons in the vicinity. In addition, UNIFIL confronted an increased number of individuals armed with hunting rifles in the area of operations, including close to the Blue Line. Following the sighting, UNIFIL and Lebanese Armed Forces patrols were dispatched and the Lebanese Armed Forces confiscated unregistered weapons. The Lebanese Armed Forces Command issued a public statement on 25 October, calling upon all citizens to respect the ban on hunting and carrying weapons in the area south of the Litani River and warning that those violating that decision would be arrested and handed over to the judicial authorities. Subsequently, the Lebanese Armed Forces arrested a number of hunters.

22. UNIFIL continues to have freedom of movement throughout its area of operations, despite a small number of cases of stone throwing against UNIFIL patrols, as well as instances during which UNIFIL patrols were temporarily denied freedom of movement by local civilians or road obstacles. Although due consideration is given to minimizing disturbances to the civilian and economic life in the area of operations, those situations generally centred on complaints from the local population that UNIFIL was disrupting their day-to-day lives. The incidents were always brief and were resolved in cooperation with the Lebanese Armed Forces. On a few occasions, local civilians stopped UNIFIL patrols from taking photographs, and in two instances, on 10 and 26 September, snatched their cameras, which were retrieved in each case. During the second instance, which occurred along the route from Al Mansuri to Maidal Zum (Sector West), UNIFIL noted excavation works on the side of the road and was in the midst of determining its grid

position when the civilians blocked the road. The incident was quickly resolved with the assistance of the Lebanese Armed Forces, who arrested two civilians. In addition, the operational activities of UNIFIL continued to be closely monitored on occasion by unarmed civilians in various areas.

23. The overall attitude of the population towards UNIFIL remained generally positive throughout the reporting period. Building greater confidence among the local population in the Force and its mandate remained at the centre of the activities carried out by civil affairs and civil-military cooperation components. Those components of the Force continued to implement quick-impact projects funded under its budget, as well as other projects funded by troop-contributing countries. The UNIFIL civil affairs, public information, civil-military coordination and military outreach components also continued to work to inform the local population about the UNIFIL mandate. In addition, UNIFIL continued to carry out humanitarian assistance activities, as well as participate in a number of community events, encompassing art, sports and the environment.

24. As I have reported previously, the Government of Israel maintains that Hizbullah is continuing to build its military presence and capacity, largely north of the Litani River, but also in the UNIFIL area of operations, using in particular, private houses in urban areas. Israeli interlocutors at the highest level have repeatedly stated that this was of major concern for their Government. As described elsewhere in the report, UNIFIL patrols throughout its area of operations, including in urban areas, and conducts surveillance and monitoring activities, particularly at entry points and suspicious areas. In collaboration with the Lebanese Armed Forces, UNIFIL immediately investigates any claims regarding the illegal presence of armed personnel or weapons within its area of operations if specific information is received.

25. This serves to illustrate the determination of UNIFIL to act with all necessary means within its mandate. Similarly, the Lebanese Armed Forces Command has confirmed that it will act immediately on evidence of unauthorized armed personnel or weapons. However, under its mandate, UNIFIL cannot search private houses and properties, unless there is credible evidence of a violation of resolution 1701 (2006), including an imminent threat of hostile activity emanating from that specific location.

26. To date, UNIFIL has neither been provided with nor found any evidence of new military infrastructure or the smuggling of arms into its area of operations. Under the present circumstances, UNIFIL is confident that it can carry out its mandated task of ensuring, within its capabilities, that its area of operations is not utilized for hostile activities. However, it is impossible to state unequivocally that the area south of the Litani is free of any unauthorized armed personnel, assets or weapons. Ensuring this state of affairs is a long-term endeavour. UNIFIL is assisting the Lebanese Armed Forces in moving towards this aim and continues to encourage the Lebanese Armed Forces to examine ways of improving monitoring and control along the Litani River, as well as throughout the area of operations.

27. The UNIFIL Maritime Task Force continued to carry out its specific mission along the Lebanese coast to prevent the entry of unauthorized arms and related materiel. The maritime interdiction operations and significant capacity of the UNIFIL Maritime Task Force ensure effective control of the maritime traffic and prevention of unregistered entry into Lebanese ports. Since commencing its mission

in October 2006, the Task Force has hailed and queried more than 19,700 ships in the area of maritime operations. The actual inspection of suspicious vessels to verify that there are no unauthorized arms and related material on board is carried out by the Lebanese navy and customs. All 185 vessels that were identified as suspicious since October 2006 were subsequently inspected and cleared by them.

28. With increasing frequency during the reporting period, Israel Defense Forces patrol boats south of the line of buoys dropped explosive charges or fired shots as a warning to swimmers or Lebanese fishing boats approaching the line. UNIFIL has no mandate to monitor the line of buoys. However, such incidents could raise overall tension between the parties.

D. Disarming armed groups

29. As I reported to the Security Council in my eighth semi-annual report on the implementation of resolution 1559 (2004), dated 16 October 2008 (S/2008/654) and in the course of the monthly briefings on the situation in the Middle East, including the Palestinian question, a series of grave security incidents took place in Lebanon during the reporting period. Those incidents highlight how armed groups operating inside Lebanon but outside the control of the State continue to pose a serious threat to the stability of the country. President Suleiman has conveyed to me his concern over the presence and activities of extremist groups in Lebanon.

30. As indicated in my previous reports, Hizbullah continues to maintain a substantial military capacity distinct from that of the Lebanese State, in direct contravention of resolutions 1559 (2004) and 1701 (2006). I am concerned that Hizbullah may have sought to upgrade further those capabilities.

31. The continued risk that Hizbullah's separate military capacity poses to the sovereignty of the Lebanese State was evidenced on 28 August, when armed elements opened fire on a Lebanese Armed Forces helicopter patrolling north of the Litani River. The pilot, Army Lieutenant Samer Hanna, died in the attack, for which Hizbullah later admitted responsibility. One person has been arrested in connection with that attack.

32. As I have previously reported, I continue to believe that the disarmament of Hizbullah and other militias should take place through a Lebanese-led political process. Hizbullah's weapons were a major point of debate in the preparation of the Lebanese Government's ministerial statement. In the final version, adopted on 12 August, the Government asserts "the right of Lebanon, through its people, army and its resistance in liberating and regaining Shab'a Farms and Kfar Shouba Hills and the Lebanese part of Ghajar, or recover them and defend Lebanon and its territorial waters in the face of any enemy and by all available and legitimate means". The ministerial statement also confirms the Government's commitment to all the provisions of Security Council resolution 1701 (2006). In this context, I note that resolution 1701 (2006), as well as other Security Council resolutions on Lebanon, emphasize, in both letter and spirit, the disarmament of all armed groups in Lebanon and the monopoly by the Government of Lebanon on the use of force from its territory.

33. I have welcomed the start, on 16 September, of the National Dialogue under the auspices of President Suleiman, to reinforce the authority of the Lebanese State

and to discuss a national defence strategy for the country. A second session, also chaired by the President, was held on 5 November. In a communiqué released after the meeting, the parties agreed, among other issues, to continue discussion on the issue of the defence strategy and to resume the dialogue on 22 December.

34. As highlighted in my recent report on the implementation of Security Council resolution 1559 (2004) (S/2008/654), Palestinian arms inside and outside of the 12 registered refugee camps remain a serious threat to the stability and sovereignty of Lebanon. The Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada continue to maintain paramilitary infrastructures on Lebanese territory, particularly along the Lebanese-Syrian border. While I am concerned at the frequency of security incidents inside the camps, I am encouraged by the increased security coordination between the Lebanese authorities and the Palestinian factions, as well as by efforts undertaken by the Palestine Liberation Organization, aimed at regaining control of security inside the camps. In this context, I welcome the initiatives between the Government of Lebanon and relevant Palestinian authorities to take joint responsibility for security inside the Nahr al-Bared camp, which is to be reconstructed and which is designed to serve as a model for the remaining 11 Palestinian refugee camps in Lebanon.

E. Arms embargo

35. The prohibition of the sales or supply of arms and related materiel to Lebanon, except as authorized by its Government, remains an integral element of resolution 1701 (2006) and a key factor of stability in Lebanon and the region. The resolution specified that all States were requested to take the necessary measures to prevent such sales or supply by their nationals or from their territories or using their flag vessels or aircraft.

36. I remain concerned regarding the porous nature of Lebanon's border with the Syrian Arab Republic and the continuing potential for breaches of the arms embargo on Lebanon. For this reason, on 16 July 2008, and in close consultation with the Government of Lebanon, I dispatched for a second time to Lebanon a team of independent border security experts. The team was tasked with assessing thoroughly the implementation by the Government of the recommendations of the Lebanon Independent Border Assessment Team (LIBAT I) of 22 June 2007 and to gauge the impact of those measures on progress on the ground for Lebanon's overall border management capacity.

37. On 26 August, I conveyed the report of the team of experts, known as LIBAT II, to the President of the Security Council and indicated my full support for its conclusions and recommendations. In this regard, I remain concerned regarding the team's conclusion that, despite some of the positive measures taken by the Government, there has been no decisive impact on Lebanon's overall border security and that this situation "renders Lebanon's borders as penetrable as was the case one year ago". The team reiterated the full set of recommendations contained in the LIBAT I report and proposed that the Government of Lebanon develop a strategic plan for border security. It further recommended that donor nations enhance the coordination and cooperation of their activities in accordance with the Lebanese requirements so as to achieve optimum output from their efforts.

38. Judging by consultations held by my Special Coordinator for Lebanon and his Office, the LIBAT II report was widely distributed among Lebanese and international officials and was well received by all key stakeholders. I am pleased to note that, following the recommendation in the LIBAT II report, a steering committee was formed by the Lebanese Government to begin the preparation of a border strategy for Lebanon. This process is designed to include the views and expertise of the four security agencies, as well as key Government ministries. A group of donor countries working on border management has also been assembled to assist in this process from an early stage. The steering committee held its first meeting on 31 October under the chairmanship of Prime Minister Siniora. It reaffirmed its commitment to improve border management along Lebanon's northern and eastern borders and agreed upon a mechanism and timeline to develop the border strategy.

39. The Lebanese Common Border Force comprises officers and troops from all four Lebanese security agencies. There have been no significant changes in the operations of the 800-strong force since my last report. In this period, the Force has sought to improve its operating procedures and to upgrade its facilities but, as noted in the LIBAT II report, it remains beset by challenges that have prevented the project from reaching its full implementation.

40. The Government of Lebanon, supported by donor nations, has continued its efforts to achieve further progress in other areas of border management. The Department of Customs has been reinforced with 250 new recruits who recently completed training and are currently being deployed to border crossing points and to support the Common Border Force. The crossing point at Masnaa is being redesigned and the process of fencing off the perimeter of the crossing point has started. Lebanese officials expect the construction work at the Bokaya crossing point to be completed by the end of this year, allowing for this crossing point to be reopened. The comprehensive three-year project at Beirut airport described in my last report on resolution 1701 (2006) has begun and should bring improvements in the capacity, facilities and security standards at the airport. Although the relocation of the Aboudieh crossing point to the banks of the Nahr el-Kabir river is complete, it has not yet been reopened, due to the lack of power supply.

41. I am grateful to the donor nations that are working with the Government of Lebanon on the management of the country's borders. To maximize the efficiency of their efforts, the LIBAT II team recommended the enhancement of the coordination and cooperation of their activities, in accordance with Lebanese requirements.

42. Since my last report on the implementation of resolution 1701 (2006), the Lebanese authorities have not reported any incidents of arms smuggling. As indicated in my recent report on the implementation of resolution 1559 (2004), the Syrian Arab Republic has continued to deny a role in any breach of the arms embargo. The Government of Israel continues to report that it has detailed information regarding significant breaches of the arms embargo across the Lebanese-Syrian border, including in a letter addressed to me by the Permanent Representative of Israel to the United Nations dated 6 November 2008. Those allegations were made to me by Israeli Foreign Minister Livni when I met with her on 12 November, and were also conveyed to my Special Coordinator for Lebanon during a visit to Israel on 2 and 3 November. Although the United Nations takes these claims seriously, it is not in a position to verify this information independently.

43. As indicated in my recent report on the implementation of resolution 1559 (2004), the presence of heavily armed positions belonging to the Popular Front for the Liberation of Palestine-General Command and Fatah al-Intifada on the border between Lebanon and the Syrian Arab Republic continues to represent a worrisome anomaly. Given these challenges, I welcome the commitment made by Presidents Suleiman and Assad to undertake joint activities aimed at improving security arrangements along the border between their two countries. I have continued to encourage both Lebanon and the Syrian Arab Republic to translate this commitment into tangible action as soon as possible.

44. The deployment of Syrian troops along Lebanon's northern border started in late September and remains ongoing. Syrian authorities stated in a letter to me dated 29 October 2008 that this deployment was done "with a view to halting and preventing smuggling and sabotage" and noted that the deployment "was one of the outcomes of the Syrian-Lebanese summit, and was agreed by both Presidents". Yet, from the contacts my representatives have had with the Lebanese authorities, I conclude that that deployment could have been better coordinated with the Lebanese Government so as to clarify its purpose from the onset and thus dispel any misconceptions in that regard. In that respect, both Lebanese and Syrian senior officials have confirmed to my Special Coordinator for Lebanon that the extension of the Syrian deployment to the Eastern border that took place in late October was, this time, conducted with close coordination.

F. Landmines and cluster bombs

45. Since my last report to the Security Council, the United Nations Mine Action Coordination Centre-South Lebanon conducted an operational reassessment to review new and existing data on the contaminated area in southern Lebanon. The review established that some previously known and recorded strikes may be bigger than originally estimated. Furthermore, 74 additional cluster bomb strike locations were identified, making a total of 1,058 locations recorded thus far. As a result, the estimated contaminated area has increased to 48.1 million square metres, as opposed to the original estimate of 32 million square metres used for operational planning immediately after the war. To date, the Centre has coordinated the clearance and reduction of 40.2 million square metres of the contaminated areas through a joint effort including the Lebanese Armed Forces, UNIFIL, the United Nations and bilaterally funded clearance organizations. Since the end of the 2006 conflict, a total of 150,255 cluster munitions have been located and destroyed.

46. During the reporting period, incidents involving unexploded ordnance, including cluster munitions, have injured four civilians, bringing the total since the end of the conflict to 27 fatalities and 234 injuries among civilians. On 3 September, one UNIFIL explosive ordnance disposal expert belonging to the Belgian contingent was killed; in addition, three mine-clearance personnel were injured in separate incidents during the reporting period, bringing the respective totals to 14 killed and 41 injured.

47. The Mine Action Coordination Centre carried out a minefield clearance project in the Addaisseh area (Sector East) where more than 70,000 square metres were cleared and 4,569 mines located and destroyed in areas adjacent to the Blue Line.

This was the first such clearance project of minefields by the Centre in the sensitive areas near the Blue Line.

48. The transition process is under way to transfer primary responsibility for managing humanitarian clearance operations to the Lebanese Armed Forces in the form of the Lebanese Mine Action Centre as of 1 January 2009. This transition will divide the joint Lebanese Armed Forces-United Nations structure of the existing Mine Action Centre-South Lebanon with the Lebanese Armed Forces officers currently working there, continuing their work as a part of the new Lebanese Mine Action Centre Regional Mine Action Centre in Nabatieh, and the remaining Mine Action Coordination Centre staff will work exclusively in support of UNIFIL clearance and explosive ordnance disposal assets.

49. Since my last report to the Security Council, there has been no progress in receiving from Israel the precise technical strike data on the number, type and location of munitions fired in the 2006 conflict. In the absence of this technical strike data, the level of contamination continues to remain uncertain. United Nations efforts, both in the field and at Headquarters, to obtain the technical strike data on cluster munitions have continued. I raised the matter in my meeting with the Israeli Defence Minister, as has my Special Coordinator for Lebanon in his bilateral discussions. In addition, the issue has been consistently raised in the tripartite forum and bilaterally by the UNIFIL Force Commander. In a letter to me dated 17 October 2008, Prime Minister Siniora highlighted the fact that the lack of technical strike data made the clearance process less efficient and put the lives of Lebanese civilians at greater risk.

G. Abducted soldiers and prisoners

50. In its resolution 1701 (2006), the Security Council emphasized "the need to address urgently the causes that have given rise to the current crisis, including by the unconditional release of the abducted Israeli soldiers" (Ehud Goldwasser, Eldad Regev). In addition, it encouraged "efforts aimed at urgently settling the issue of the Lebanese prisoners detained in Israel". The Lebanese prisoners included Samir Quntar and Nassim Nisr, as well as five Hizbullah combatants captured by Israeli forces during the 2006 conflict. Both sides were also known to hold the remains of combatants killed in action during the conflict.

51. A facilitator was appointed in September 2006 to conduct negotiations on behalf of the Secretary-General. Negotiations started immediately thereafter, prefaced by exploratory contacts. Hizbullah demanded the release of all Lebanese prisoners held in Israel, as well as moves on behalf of Palestinian and Arab detainees. For its part, Israel insisted on the framework of resolution 1701 (2006) and proof that the two soldiers were alive, before any further discussions.

52. My facilitator submitted to Hizbullah a number of steps to reveal the fate of the two soldiers in return for humanitarian gestures on the Israeli side. Negotiations with the two sides continued throughout 2007, with my facilitator putting forward additional proposals.

53. On the occasion of Eid al Fitr (13 October 2007), a limited humanitarian exchange, arranged by my facilitator, took place, in which a Hizbullah sympathizer

was released by Israel, together with the remains of two fighters killed in action, in return for the remains of missing Israeli citizen, Gabriel Dawit.

54. Negotiations resumed in earnest in March 2008 and both sides reconfirmed their commitment to meet the humanitarian demands of resolution 1701 (2006). My facilitator submitted a modified draft formula to the sides, culminating in the development of a humanitarian agreement by late April 2008. The events of May 2008 in Lebanon, however, caused another delay in negotiations, which only resumed after the election of President Suleiman on 25 May 2008. On 1 June 2008, one of the Lebanese prisoners, Nassim Nisr, was released from prison, having completed a six-year jail sentence, and was repatriated to Lebanon. At the same time, Hizbullah returned the remains of some of the Israeli soldiers killed in action. Following further negotiations between my facilitator and the two sides, the humanitarian agreement was signed on 2 July by Hizbullah and by Israel the following day.

55. The humanitarian agreement provided first for an exchange of reports on humanitarian cases of particular sensitivity to the sides, including the case of Ron Arad, an Israeli airman who went missing in Lebanon in 1986, as well as on the fate of four Iranians who were abducted in Lebanon in 1982. The second phase of the agreement called for the two Israeli soldiers to be repatriated in exchange for the five Lebanese prisoners remaining in Israeli custody, the remains of eight Lebanese killed in action during the 2006 war, information on two Lebanese citizens (Yahya Skaff and Muhammad Farran), the remains of four members of the Dallal Mughrabi group as well as up to 199 other Lebanese citizens, mostly of Palestinian origin.

56. In a final phase, Israel would release Palestinian detainees "in appreciation of the successful United Nations-facilitation and in anticipation of further United Nations-sponsored support for its endeavours to uncover the fate of Ron Arad and relevant MIAs" [persons missing in action].

57. Implementation started shortly after the agreement was signed, with the exchange occurring at the border crossing of Rosh Hanikra/Ras Naquora on 16 July 2008, in accordance with a detailed schedule determined by my facilitator and supported by the International Committee of the Red Cross and UNIFIL. Speaking on 16 July, Hizbullah's leader declared that the release of the prisoners through negotiations had been completed. After 18 months of intense efforts, the humanitarian aspects of resolution 1701 (2006) had been met.

58. In a statement on the same day, I expressed satisfaction for the successful implementation of the exchange while expressing my condolences to the bereaved families. I also expressed the hope that further positive moves would take place as a result of that exchange. On 6 August, five Palestinian prisoners were freed by Israel in a move directly related to the agreement with Hizbullah. On the same day, Prime Minister Olmert announced that a large number of Palestinian prisoners would be released later in the month in a move designed to support the Annapolis peace process. On 25 August, a total of 198 Palestinian detainees were released by Israel.

H. Delineation of borders

59. I am pleased that, following their summit meeting in Damascus on 13 and 14 August, the Presidents of Lebanon and the Syrian Arab Republic announced the

reactivation of the Lebanese-Syrian committee tasked with delineating their common border. I welcome the renewed momentum to address this issue and encourage both parties to take concrete steps to act on this commitment. Syrian officials assured my Special Coordinator for Lebanon that they were ready to act on this soon. Progress on this issue would represent a significant achievement towards the full implementation of resolutions 1680 (2006) and 1701 (2006).

60. In my last report on the implementation of resolution 1701 (2006) (S/2998/425), I expressed my intention to strengthen the diplomatic process aimed at resolving the question of the Shab'a Farms in accordance with paragraph 10 of resolution 1701 (2006), and to continue my consultations on this key issue with all relevant parties. In a meeting held in Damascus on 6 November, the Foreign Minister of the Syrian Arab Republic categorically reiterated to my Special Coordinator for Lebanon that the Shab'a Farms fall under Lebanon's sovereignty. In respect to the geographical definition of Shab'a Farms, I have still not received any official response to the provisional definition from either Israel or the Syrian Arab Republic. Furthermore, the Foreign Minister of the Syrian Arab Republic informed my Special Coordinator for Lebanon that the Syrian Arab Republic does not possess the maps that I had previously requested, which would assist the precise plotting of the geographic coordinates of the relevant line.

III. Security and safety of the United Nations Interim Force in Lebanon

61. The security and safety of UNIFIL personnel remains a priority. The period under review has been one of relative calm in the area of operations, albeit punctuated by specific threat warnings. Some of these threats emanated from militant and extremist groups, including Al-Qaida. Joint efforts and cooperation with the Lebanese authorities and Lebanese Armed Forces continue to ensure that security threats to UNIFIL are addressed appropriately. Notwithstanding the obligation of all parties to ensure the safety and security of UNIFIL and the responsibility of the Government of Lebanon for law and order, UNIFIL regularly reviews all its procedures and focuses on mitigating risk to its personnel, assets and installations while ensuring mandate implementation. In this regard, in addition to electronic countermeasures to jam explosive devices, UNIFIL can rely on micro-unmanned aerial vehicles — a critical risk-mitigation asset to be utilized at the discretion of the Force Commander to enhance Force protection and civilian staff security.

62. Progress is being made on the investigations into the 24 June 2007 attack against UNIFIL. A Spanish investigative team visited Lebanon between 5 and 11 October to carry out further joint investigations with the Lebanese authorities, including a joint examination of evidence by forensic experts. A further forensics investigation of the area of the attack discovered additional items of potential evidence. The Spanish investigative team handed over to the Lebanese authorities the remnants of the vehicle which had been used as a car bomb, including the number plate for their analysis. With the formal endorsement of the Lebanese authorities, the investigative team took items of evidence that had been held in custody by the Spanish contingent in UNIFIL for further analysis to Spain.

63. A court case against a number of defendants being tried on a series of terrorist charges, including a suspect in the 16 July attack against UNIFIL at Qasmieh Bridge, started on 29 October. A warrant has also been issued for an alleged accomplice. Separately, two suspects remain in custody and three arrest warrants have been issued in relation to the 8 January 2008 attack against UNIFIL in Saida; a court hearing has been scheduled for 23 January 2009. UNIFIL has been granted observer status during the hearings of the cases.

IV. Deployment of the United Nations Interim Force in Lebanon

64. As at 11 November 2008, the total military strength of UNIFIL was 12,770 personnel, with a civilian strength of 318 international and 656 national staff members. UNIFIL is supported by 51 United Nations Truce Supervision Organization military observers of the Observer Group Lebanon. An infantry unit from Malaysia, comprising 230 troops deployed in UNIFIL towards the end of October, operates with the French Battalion in Sector West. A Force protection company of 150 personnel to secure the expanded Naqoura headquarters compound, as well as 50 additional personnel within the Force headquarters support company and 75 international military police all provided by Indonesia are expected to deploy to UNIFIL by the end of November. Additional personnel of the military community outreach unit also arrived in UNIFIL. Although the unit has not reached full staffing levels, it has been operational since August 2008. Engineering works at the expansion site of the Naqoura headquarters are under way and the first phase of the project is expected to be completed by April 2009. UNIFIL is also undertaking efforts to improve its air surveillance assets.

65. The leadership of the Maritime Task Force remains with the European Maritime Force and, since the beginning of August, is under the command of France, which succeeded Italy. The Maritime Task Force currently comprises four frigates, five patrol boats and two command and support ships. The present Force composition is sufficient to fulfil its mission.

V. Observations

66. I am pleased that there were no breaches of the cessation of hostilities between Lebanon and Israel and that a relative calm continues to prevail. However, it is clear that greater overall progress should have been achieved since the adoption of resolution 1701 (2006) in August 2006.

67. The general improvement of the situation in Lebanon, together with the continued stability in the area of operations and encouraging prospects in the region create a potential momentum that both Lebanon and Israel must seize to make bold strides towards a permanent ceasefire and long-term solution as prescribed by resolution 1701 (2006).

68. As conveyed in my recent report on the implementation of resolution 1559 (2004) (S/2008/654), I am disturbed by the repeated exchange of threats between Israel and Hizbullah, in particular when apparently directed against civilians. In this context, the Prime Minister of Lebanon, in his letters to me dated 22 August and

16 October, brought to my attention the threats made against Lebanon by Israeli officials. I reiterate my call upon all parties to refrain from statements and actions that could serve to increase tension.

69. While I am satisfied with the level and nature of cooperation between UNIFIL and the Lebanese Armed Forces in the UNIFIL area of operations, I urge the Government of Lebanon to continue to ensure that the Lebanese Armed Forces maintains a presence in the south commensurate with the important tasks it must perform there, in line with Lebanon's obligations under resolution 1701 (2006). UNIFIL assistance to the Lebanese Armed Forces cannot and should not be a substitute for it.

70. As stated in previous reports, the multiple security responsibilities of the Lebanese Armed Forces, compounded by the fact that it lacks adequate military equipment, have an impact on the pace of operations of the Lebanese Armed Forces in southern Lebanon. I am, therefore, grateful to those Member States who have provided key equipment, training and logistical support to the Lebanese Armed Forces. Continued further assistance is required to meet the critical equipment needs of the Lebanese Armed Forces and to improve its logistical and operational capabilities for it to be in a position to fully shoulder its responsibilities under resolution 1701 (2006), as well as security responsibilities in the rest of the country.

71. The monitoring of UNIFIL operations, coupled with incidents of restrictions of its freedom of movement remain a source of concern. They raise tensions and cast doubt on the motives of those involved. I underline the importance of ensuring that the area between the Blue Line and the Litani River is free of unauthorized armed personnel, assets and weapons. I call upon the Government of Lebanon to ensure the Force's full freedom of movement in its area of operations and reiterate my call to all parties to abide by their stated commitments to resolution 1701 (2006).

72. I would like to remind the parties of their commitment to respect the Blue Line, as identified by the United Nations in 2000. I am concerned at the amount of time and negotiation it has required to make even incremental progress in visibly marking the Blue Line. I hope that new momentum can be generated following the agreement on the new strategy and urge the parties to maximize their cooperation with UNIFIL and focus on this practical objective in order to reduce the number of inadvertent violations and to build confidence.

73. I have taken note of the delay in the opening of the UNIFIL office in Tel Aviv and call upon the Israeli authorities to extend all the necessary support to UNIFIL in order to enable it to proceed with the establishment of the office.

74. The signing of an agreement between Lebanon and the Syrian Arab Republic providing for the establishment of diplomatic relations heralds potential future progress on a number of issues of common interest that have a bearing on obligations under resolution 1701 (2006), including the delineation of their common border and increased cooperation on border security. I urge the Governments of Lebanon and the Syrian Arab Republic to take practical and concrete steps in the near future to delineate their common border. In the meantime, I will continue my diplomatic efforts aimed at resolving the issue of the Shab'a Farms area, in accordance with paragraph 10 of resolution 1701 (2006). I will keep the Council informed.

75. I encourage the parties to proceed on the basis of the UNIFIL proposal (see S/2008/425, para. 14) to facilitate the withdrawal of the Israel Defense Forces from the part of the village of Ghajar and a small adjacent area north of the Blue Line, without which Israel will not have completed its withdrawal from southern Lebanon in accordance with its obligations under resolution 1701 (2006). Agreement on and implementation of the UNIFIL proposal would not only contribute to strengthening security and stability on the ground, but also would demonstrate the commitment of the parties to the full implementation of resolution 1701 (2006).

76. I reiterate the need for the immediate and unconditional respect of the arms embargo on Lebanon, which is a fundamental aspect of resolution 1701 (2006). It must be observed fully and without exception. Regional parties, particularly those that maintain ties with Hizbullah and other groups in Lebanon, are obliged to abide fully by the arms embargo. Any breach of this is a violation of Lebanese sovereignty and threatens the stability of the country and of the region as a whole.

77. The goal of assisting Lebanon to improve its border management capacity is a key area, and one in which my Special Coordinator will remain engaged. I believe the recommendations made in the LIBAT II report provide a useful basis for further action by the Government of Lebanon with support from the international community. That report pointed to a number of recommendations that could be easily implemented without political, structural and financial implications. I welcome the steps taken by the Government of Lebanon since the LIBAT II report was issued, in particular for bringing together the relevant Lebanese security agencies and donors to start a process that is intended to design a comprehensive and inclusive border strategy. This strategic planning process will need to have clear ownership from all relevant Lebanese authorities if it is to chart a clear way forward. I call upon the donor community to support these efforts in a coordinated fashion and to address specific areas in which the Lebanese authorities may require assistance.

78. I welcome the decision of Lebanon and the Syrian Arab Republic to further improve joint security along their common border in accordance with the agreement reached between Presidents Suleiman and Assad and resolutions 1680 (2006) and 1701 (2006). In this respect, I welcome steps taken by the Syrian authorities to keep their Lebanese counterparts informed of the deployment of Syrian troops along the eastern border of Lebanon, so as to dispel any misperceptions caused by such manoeuvres in the past.

79. I remain concerned by the presence of armed groups operating inside Lebanon and beyond the control of the State. The presence of these groups is a challenge to the stability and sovereignty of Lebanon. Their continued presence and activity hampers the full implementation of resolution 1701 (2006). I note that the ministerial statement of the Cabinet approved by the Lebanese Parliament on 12 August confirmed the Government's commitment to resolution 1701 (2006) in all its provisions. In this context, I firmly believe that key issues are to be resolved through diplomatic means and I expect all parties to respect their commitments and step up their efforts in this respect, in accordance with the requirements of resolution 1701 (2006).

80. The National Dialogue represents a complex and essential process that touches on core issues relating to the existence and character of the Lebanese State. It is my

hope that the leaders in the National Dialogue will look to these fundamental issues in their coming sessions, and that they will remain engaged in this process.

81. I call again upon Israel to cease immediately all overflights of Lebanese territory, as they are violations of Lebanese sovereignty and of resolution 1701 (2006) and cause tension among the local population, in addition to undermining the credibility of UNIFIL and the Lebanese Armed Forces.

82. I reiterate with the utmost urgency my call upon the Government of Israel to provide the technical strike data on the type, quantity and specific coordinates of the sub-munitions fired during the 2006 conflict. That crucial information would greatly increase the rate at which clearance operations are proceeding in southern Lebanon and reduce the number of incidents for both civilians and mine-clearance experts. With each passing day in the absence of this information, the list of casualties from the 2006 war risks growing longer.

83. I am pleased that the issue of the abducted Israeli soldiers and of the Lebanese prisoners detained in Israel has finally been resolved. I express my deepest condolences to the families of the deceased soldiers and regret that resolving their fate took such a long time. While the exchange of letters on missing Israeli airman Ron Arad and the four Iranian citizens who disappeared in Beirut in 1982 was helpful, I remain convinced that more could be done to finally resolve these cases, which are now more than 20 years old. The United Nations stands ready to help in any way that it can.

84. I commend the Government of Lebanon for its commitment to improving the living conditions of Palestinian refugees in and outside the camp areas, as reaffirmed in its recent ministerial statement, without prejudice to the settlement of the Palestinian refugee question in the context of an eventual Arab-Israeli peace agreement. Many donor countries have responded generously to the appeals issued by the Government of Lebanon and the United Nations Relief and Works Agency for Palestine Refugees in the Near East for the reconstruction of the Nahr el-Bared refugee camp and adjacent affected Lebanese communities. However, more funds need to be secured if this enormous project is to be a success.

85. I am grateful to all troop-contributing countries for their ongoing commitment to UNIFIL and to the implementation of resolution 1701 (2006). I emphasize once again the need for continued support for UNIFIL, including the commitment to contribute the troops and assets necessary to enable the Force to efficiently and effectively perform all of its mandated activities on land and at sea. I wish to strongly commend the UNIFIL Force Commander and the military and civilian peacekeeping personnel who continue to play a critical role in helping to promote peace and stability in southern Lebanon, as well as the Special Coordinator for Lebanon and the staff of his Office. At the same time, I remain concerned for the safety and security of United Nations personnel and urge all parties to abide by their obligation to ensure their safety and security.

86. In the coming months, Israel and Lebanon have an opportunity to move away from confrontation by making further progress in the implementation of resolution 1701 (2006). I call upon their leaders to seize the moment that is afforded to them, for the good of their peoples and for the stability of the region.

87. I note positively that Lebanon's neighbours, Israel and the Syrian Arab Republic, continue to hold indirect talks mediated by Turkey. This welcome effort

has the potential to improve security and stability throughout the region and in Lebanon in particular. I am grateful for the diplomatic efforts of Turkey in this respect. I remain convinced that all possible efforts must be exerted to achieve a just, lasting and comprehensive peace in the Middle East.

Map No. 4144 Rev. 21 UNITED NATIONS
November 2008

Department of Field Support
Cartographic Section

United Nations S/2008/716

Security Council

Distr.: General
19 November 2008
English
Original: English/French

Belgium, Costa Rica, France, Italy, South Africa, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and statements of its President concerning the Democratic Republic of the Congo, in particular resolutions 1794 (2007) and 1756 (2007) and the statement of its President dated 29 October 2008 (S/PRST/2008/40),

Expressing its strong support to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) in its efforts to restore peace in the Kivus and *taking note* of the letter addressed by the Secretary-General to the President of the Security Council dated 31 October 2008 (S/2008/703) requesting additional capacities for MONUC in order to ensure the effective implementation of its mandate,

Recalling that under resolution 1794 (2007) the mandate of MONUC expires on 31 December 2008 and *looking forward* to the report and recommendations of the Secretary-General regarding MONUC's mandate and reconfiguration,

Reaffirming its commitment to respect the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo,

Reiterating its condemnation of the resurgence of violence in the eastern region of the Democratic Republic of the Congo and *demanding* all parties to immediately respect a ceasefire,

Welcoming the appointment of former Nigerian President Olusegun Obasanjo by the Secretary-General as his Special Envoy for the Great Lakes Region and *calling* on all parties to the conflict to cooperate with him in finding an urgent political solution to the crisis,

Expressing its extreme concern at the deteriorating humanitarian situation and in particular the targeted attacks against the civilian population, sexual violence, recruitment of child soldiers and summary executions, *considering* that this situation should be addressed as a matter of urgency,

Urging all parties to ensure timely, safe and unhindered access of all humanitarian actors and to comply fully with their obligations under international law, including international humanitarian law, human rights law and refugee law,

08-61106 (E) 201108

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to authorize, as recommended by the Secretary-General in his letter dated 31 October 2008 (S/2008/703), a temporary increase of MONUC's authorized military strength by up to 2,785 military personnel, and the strength of its formed police unit by up to 300 personnel;

2. *Authorizes* the immediate deployment of those additional capacities until 31 December 2008 and *expresses* its intention to extend this authorization on the occasion of MONUC's mandate renewal, underlining that the duration of stay of the additional forces will depend on the security situation in the Kivus;

3. *Stresses* that this temporary increase in personnel aims at enabling MONUC to reinforce its capacity to protect civilians, to reconfigure its structure and forces and to optimize their deployment;

4. *Underscores* the importance of MONUC implementing its mandate in full, including through robust rules of engagement;

5. *Emphasizes* that MONUC will be reviewed in view of the recent developments by 31 December 2008;

6. *Decides* to remain actively seized of the matter.